

ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE  
PUBLIC HEARING ON HATE CRIMES  
October 6, 1989  
OAKLAND CITY COUNCIL CHAMBERS  
ONE CITY HALL PLAZA

AGENDA

- 9:00 Commission Meeting\*\*  
- Update Activities  
- Legislative Update  
- Report Timeline
- Joaquin Avila  
Former RERMV Commission Member
- 10:00 PUBLIC HEARING\*
- Welcome and Opening Statement Msgr. William J. Barry
- Supervisor Warren Widener  
Alameda County Board of Supervisors
- 10:00 Break the Silence Coalition  
Samuel Cacas
- 10:10 Contra Costa County District Attorney's Office  
Jack Waddell
- 10:20 Concord Police Department  
Chief George Straka
- 10:30 Deloise Quarles  
San Leandro
- 10:40 San Leandro Police Department  
Capt. Randy Stout
- 10:50 Aga Saeed
- 11:00 Center for S.E. Asian Refugee Resettlement  
Vu-Duc Vuong, Executive Director
- 11:10 Novato Unified School District  
Carry Mazzoni
- 11:20 Mt. Diablo Unified School Dist.  
Myra Redick, Asst. Superintendent
- 11:30 San Francisco Human Rights Commission  
Peter Jamero, Executive Director

11:40 Chinese for Affirmative Action  
Robin Wu

11:50

12:00 -1:30 LUNCH BREAK

1:30 Asian Law Caucus  
William Tamayo

1:40 Communities United Against Violence  
Lester Olmstead-Rose

1:50 Commission on Peace Officer Standards & Training  
Hal Snow

2:00 San Francisco Police Department  
Captain Jim Arnold

2:10

2:20 NAACP  
Racial Intolerance Task Force  
Thordie Ashley

2:30 Anti-Defamation League *Natalie Hausman*

2:40 Lao Family Community of Stockton  
Phang Lo

→ 2:45 *Sgt David Cole, Stockton P. D.*  
BREAK

3:00 California Director of Social Services  
~~Linda McMahon~~ *Walter Barnes*

3:10 San Jose Human Relations Commission  
Don Black, Chairman

3:20

3:30

3:40

3:50 Contra Costa Hate Reduction Task Force  
Lou Roseman

4:00 - 5:00 PM

PUBLIC TESTIMONY

(Public Testimony taken in order of sign ups)

4:00

5:00 P.M. ADJOURN

\*Due to time constraints times may vary. Written testimony is encouraged.

Aurora  
Aurelia Rodriguez  
Napa  
M/A

MM

ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE  
PUBLIC HEARING ON HATE CRIMES  
October 6, 1989  
OAKLAND CITY COUNCIL CHAMBERS  
ONE CITY HALL PLAZA

AGENDA

9:00

Commission Meeting\*\*

- ✓ Update Activities - 6/29 public Hrg - DA Hrg - legislation
- Legislative Update - SB 202 - SB 1357-8
- ✓ Report Timeline - 10/31 record open
- Irma - SD issue - Mexican
- ① → Joaquin Avila
- Former RERMV Commission Member

x clearinghouse

✓ History  
- Alice

10:00

PUBLIC HEARING\*

✓ Welcome and Opening Statement

Msgr. William J. Barry

NO

Supervisor Warren Widener  
Alameda County Board of Supervisors

✓ 10:00 ② Break the Silence Coalition  
Samuel Cacas

✓ 10:10 ③ Contra Costa County District Attorney's Office  
Jack Waddell

Bresle

11:00  
10:20 ④ Concord Police Department  
Chief George Straka

10:30 Deloise Quarles  
San Leandro

NO - ill

⑤ Mrs. TAW - 11:18

⑥ 2) MS. AUL & Arqs - 11:30

⑦ Wm Bacher - atty

11:40  
10:40 ⑧ San Leandro Police Department  
Capt. Randy Stout

Trish/Fred.

10:50 Aga-Saeed NO

11:00 Center for S.E. Asian Refugee Resettlement  
Vu-Duc Vuong, Executive Director

]-KSO

11:58  
11:10 ⑩ Novato Unified School District  
Carry Mazzoni - Mbr Bd of Trustees

12:00 Perry

11:20 ⑪ Mt. Diablo Unified School Dist.  
Myra Redick, Asst. Superintendent

11:45  
11:30 ⑫ San Francisco Human Rights Commission  
Peter Jamero, Executive Director

Handwritten circle and arrow connecting 10:40, 10:50, 11:00, 11:10, 11:20, 11:30, 11:45.

12:12  
11:40 Chinese for Affirmative Action  
Robin Wu

11:50

12:00 - 1:30 LUNCH BREAK

12:30

1:30 (13) Asian Law Caucus  
William Tamayo Dennis Hayashi

1:40 (14) Communities United Against Violence  
Lester Olmstead-Rose

1:50 (15) Commission on Peace Officer Standards & Training  
Hal Snow

2:00 (16) San Francisco Police Department  
Captain Jim Arnold

2:10

2:20 (17) NAACP  
Racial Intolerance Task Force  
Thordie Ashley

Debra Quinn - Carter  
present - not speak

2:30 (18) Anti-Defamation League - NATALIE D. HAUSMAN

2:40 (18) Lao Family Community of Stockton  
Phang Lo

(19) 2:55  
SGT DAVID COLE  
STOCKTON PD  
COM. RELS DEPT

2:45 BREAK

3:00 (21) California Director of Social Services  
Linda McMahon Walter Barnes - chief

Refugees Services Branch

3:10 (22) San Jose Human Relations Commission  
Don Black, Chairman

3:20

3:30

3:40

3:15 3:50 (20) Contra Costa Hate Reduction Task Force  
Lou Roseman

Housekeeping

- Expense Claims - ASAP  
- Receipts

- Will send copies of Rudy report  
- Sign up for proceedings

4:00 - 5:00 PM

PUBLIC TESTIMONY

~~4:00~~ <sup>24</sup> (Public Testimony taken in order of sign ups)

5:00 P.M. <sup>25</sup> ADJOURN

~~4:30~~ <sup>25</sup> ① Aurora Rodriguez - NAPA Contra Costa chapter  
② Vince Reyes - County Administrator's Office - Alameda County

\*Due to time constraints times may vary. Written testimony is encouraged.

~~3~~ 4:40 - Commissioner Comments

- ① Diane Yu
- ② Armando
- ③ Irma
- ④ Vincent
- ⑤ Carl

## RERMV REPORT SCHEDULE

October 6	Public Hearing
	<ul style="list-style-type: none"><li>- Review &amp; Analysis of 6/29 Hearing Transcript; Torres UC Hearing Transcript; other documents</li><li>- Identify additional research required</li></ul>
	Letters to organizations/agencies re: submit written testimony
October 31	Close Record
November	<ul style="list-style-type: none"><li>- Write Recommendations</li><li>- Draft Report</li></ul>
December 8	<ul style="list-style-type: none"><li>- 1st DRAFT received</li></ul>
December 11 (due 12/22)	Circulate Draft to <ul style="list-style-type: none"><li>- Commissioners</li><li>- Executive Staff</li><li>- Incorporate changes</li></ul>
January 1990 by 1/5	To STATE PRINTER
February	PRINTED REPORT BY 2/2
	<ul style="list-style-type: none"><li>- REPORT OUT BY 2/15 LATEST</li><li>- MEET W/AG - PRESENT REPORT</li></ul>

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

September 29, 1989

TO; RERMV COMMISSION MEMBERS

Enclosed is the tentative agenda for the RERMV public hearing scheduled for Friday, October 6, 1989 at the Oakland City Hall (Council Chambers).

To date, 18 persons have confirmed scheduled times to testify at the public hearing. Joaquin Avila, who was one of the original members of the Commission, has asked to appear before the public hearing time of 10:00 a.m., due to a prior commitment. Scheduling of several more witnesses is pending. Witnesses will include hate crime survivors and representatives of law enforcement agencies, human relations commissions, school districts, and community organizations.

As you can see we have a full agenda. Witnesses have been asked to limit their testimony to 10 minutes and urged to submit additional materials in writing.

Because of time constraints no further hearings will be planned. Testimony presented at this hearing, along with submitted written testimony and testimony from the June 30 hearing in Los Angeles, will form the basis for the Commission's new report to be submitted to the Attorney General in early 1990.

The purposes of the hearing and the report are to 1) provide current information on the nature and incidence of hate violence in California; 2) review legal, law enforcement, school, and community initiatives against hate violence undertaken since the Commission's first report was issued in 1986; and 3) make recommendations to address legislative, policy, and program gaps.

You will be pleased to note that we have contracted with Human Rights Associates as consultants to draft the Commission's report. Trish Donahue who wrote the Commission's original report, and Lynnette Jee, formerly with the Fair Employment and Housing Commission, are the principal consultants and will be at the hearing. They have talked with many of the witnesses scheduled to testify at the October 6 hearing and identified some key issues, likely to emerge in testimony. A summary of these is attached. This should be helpful in formulating your questions so that we stay on schedule since time is a factor.

We are planning an informal get-together for dinner around 7:00 p.m. for those of you arriving Thursday evening if you have no other plans. Please give me a call when you arrive if you would like to join us.

\* TF Copies  
only }

The Task Force Members - Meg, Alice, Diane,  
Bishop will meet for breakfast - 7:30 am  
at hotel



Looking forward to seeing you on the 6th. If you have any questions, please give me a call.

Sincerely yours,

A handwritten signature in cursive script that reads "Marty Mercado". The signature is fluid and stylized, with the first and last names being clearly legible.

Marty Mercado Chief

Enclosures

cc: Trish Donahue  
Lynette Jee

## BACKGROUND INFORMATION FOR RERMV HEARING

Consultants have talked with many of the witnesses scheduled to testify at the October 6 public hearing and identified some key issues likely to emerge in testimony.

### Recent Bay Area Hate Violence Incident:

A cross was burned at the home of an African-American family in San Leandro on September 23. The family had recently moved from Oakland to predominantly white San Leandro. Police have arrested a 24 year old white man for the cross-burning. The city council and city manager have made strong statements against the incident and plan to form a human relations task force. San Leandro has a history of hate violence incidents, including one last year involving display of a black doll with a noose around its neck at a middle school.

### Hate Crime Survivors

Scheduling of testimony from several hate crime survivors is pending for the morning session of the hearing. The Contra Costa Human Relations Commission and the Community United Against Violence, a San Francisco victim assistance organization serving gay men and lesbian women, are working with several potential witnesses. More information on hate crime survivors scheduled to testify will be available before the hearing.

### San Francisco Hate Crime Response System

San Francisco Mayor Art Agnos has charged the San Francisco Human Rights Commission with planning and implementing a response system for hate violence. Representatives of the San Francisco Human Rights Commission and Police Department, Break the Silence Coalition (an organization addressing anti-Asian violence), Community United Against Violence, and other groups will discuss the planning group's progress on developing a system. Representatives will also present the need for legislation to authorize and fund model hate violence response projects.

### Police Training / Policy

Several representatives of community organizations who are planning to testify are concerned about inadequate police training on dealing with cultural differences generally and hate violence specifically. They will discuss the need for improved training at all levels.

A Commission on Peace Officers Standard and Training (POST) representative is scheduled to testify to report that POST has implemented the Commission's recommendation to include training objectives on hate violence and cultural differences in basic police academy curricula. It should be noted that guidelines distributed to police academies set the objective as a low training priority. In testimony before the Attorney General's Asian Pacific Islander Committee, a POST representative said academies and police departments lacked resources necessary to implement the objectives.

Representatives of the Concord and San Francisco Police departments will report on their policies and training on hate violence. Concord was one of the first California law enforcement agencies to adopt hate violence response policies and procedures after a number of incidents occurred in a short period of time.

#### District Attorney's Training/ Policies

Contra Costa County District Attorney Jack Waddell will report on his offices policies and training for staff of prosecuting hate crimes. Contra Costa County was one of the first district attorneys' offices to adopt the guidelines recommended by the Attorney General's Office.

#### School Prevention/ Response

Representatives of two suburban school districts will report on their recent efforts to respond to and prevent bias-related harassment and hate violence at their schools. Both school districts have recently formed task forces and hired consultants on human relations.

DRAFT MEMO TO NELSON FOR MARTY'S SIGNATURE

Nelson:

Regarding court reporting services for our RERMV hearing October 6, 1989, we contacted three minority or women owned firms and found one that has done work for our San Francisco legal office:

ABA, Linda Chavez, Inc.

- 0 Per diem is \$150/day.
  - 0 A transcript costs \$6.50/page and can be ready in 2-3 weeks, with an estimated 200 pages of testimony expected for the day.
  - 0 Mail costs and processing are \$20.
  - 0 Cost includes one original and one copy of the written transcript.
- Rounding off, Total Estimated Cost is \$1500.

You will note that the court reporting and transcript estimate is lower than the estimate for the Los Angeles RERMV public hearing.

Because of the limited amount of time remaining in this calendar year for the preparation of the RERMV report and the development of recommendations, and the unavailability of this kind of staffing within the Department, I recommend we contract with Linda Chavez, Inc. and request your approval.

Marty

I agree with your recommendation.

  
(signed, NPK)

9-22-89

October 4, 1989

TO: RERMV Commissioners  
Marty Mercado, Chief

FR: Lynette Jee  
Human Rights Associates

RE: Hearing Questions and Follow-up Work

**Introduction:**

Trish Donahue, Fred Persily and I look forward to the opportunity of working with Commissioners and Marty Mercado in developing your upcoming report. In this memorandum, Trish and I have developed questions for you which will, hopefully, elicit the information that the Commission needs to make findings and recommendations which are well-supported by the record.

Marty has sent the organization speakers a background letter explaining what information RERMV considers to be relevant for the hearing. Human Rights Associates (HRA) has also personally contacted most speakers and provided more information about the hearing. As you know, speakers, especially the victims, often forget to mention important facts. Thus, you will find it helpful to be familiar with Trish's background information memorandum included in Marty's hearing information package that she mailed to you. Trish's memorandum summarizes several speakers' testimony, and the issues raised by each situation.

**Recommended areas of questioning:**

We expect that the report will have three major sections on law enforcement, schools, and community response to hate violence. Recommended questions are broken down into these categories.

**General Questions:**

We have also developed some general questions which can be asked of any speaker, especially the ones who have testified before the RERMV Commission previously, or who now have experience in addressing the problems of hate violence. These general questions are outlined as follows:

1. Are there any changes in the nature and frequency of incidents?
2. Are there any changes in the types of hate violence crimes committed?
3. Have you noted whether there is any particular victim group targeted?

All RERMV Commissioners, etc./memo  
Re: Hearing Questions & Follow-up Work  
October 4, 1989  
Page 2

4. Have you noted whether there is any particular perpetrator group involved in hate crime incidents in your community?
5. What do you see as the key component to successful community, police and school response and prevention of hate violence? (We are looking for better services to victims and better coordination between responsible agencies.)
6. What are the biggest obstacles to prevention and response?

Law Enforcement:

In addition to soliciting any statistics of hate crimes reported by a law enforcement agency including arrests and final disposition, it is important to ask for specific information on how the law enforcement agency's program works. If this information is not included in the speaker's presentation, it would be helpful to ask the following questions:

1. What training have you found produces accurate reporting and investigation?
2. Was there any training considered or utilized that was not useful in accomplishing your program's goals?
3. Do you think your program would work in rural, suburban and urban communities?
4. What assistance from community groups and other institutions, like schools or city government, would be helpful to your law enforcement efforts in this area?

The Concord and San Francisco Police Departments already have hate crime programs in place. Speakers from these departments will discuss the models they have developed. If there is insufficient time to elicit all the information, please ask speakers to respond in writing on uncovered points by October 31st.

There will be a speaker representing the San Leandro Police Department, a small town south of Oakland with a growing Black population. This police department does not have a formal reporting and investigation procedure in place, but has recently been successful in arresting two perpetrators in a cross-burning

All RERMV Commissioners, etc./memo  
Re: Hearing Questions & Follow-up Work  
October 4, 1989  
Page 3

incident on the front yard of a Black family. If there is time, we suggest you ask this speaker:

1. Does he see a need for a formal program at the San Leandro Police Department to respond to hate crimes?
2. What kind of procedure does the S.L.P.D. have to address hate violence crimes and incidents?
3. What possible guidelines are needed for training after the cross-burning incident?

Schools:

There will be two speakers representing the Novato and Mount Diablo Unified School Districts. These districts are in the process of developing programs to respond to and prevent bias-related incidents at their schools. Since no formal programs are in place, their testimony will be most helpful to establish the need for such programs, and what a model program would include.

Suggested questions to produce this information include:

1. What circumstances have led the district to address the problem of bias-related incidents and hate violence at the school site? Do you have statistics on the number of incidents which have occurred? How are incidents generally reported now?
2. Do you know of any other districts in the state which are experiencing similar incidents? Do you know how they are handling their incidents?
3. Currently, what kind of preparation for administrators and teachers do you have to address bias-related incidents and hate violence?
4. Do you feel school district guidelines and policy are needed for training to address bias-related incidents and hate violence?
5. What training is being considered? Who will participate in such training?
6. What role would you like parents and community members to play in your program?

All RERMV Commissioners, etc./memo  
Re: Hearing Questions & Follow-up Work  
October 4, 1989  
Page 4

Community:

Several victims of hate violence incidents will speak about their experiences. They have been asked to explain what happened, how institutions responded, and what improvements are needed from their perspective.

Representatives from the human relations commissions of San Francisco and San Jose will discuss their programs. Also, the Contra Costa Hate Reduction Task Force will discuss its county's model response which can be utilized throughout the State. Speakers here are well versed, and we do not expect that they will leave out any important information about how their programs work. They are also all submitting written information to supplement their remarks.

Follow-up Investigation:

Prior RERMV reports have raised the need for cultural sensitivity training as a critical component to a successful program. As follow-up, we will contact organizations we know of who can document the need for sensitivity training in this area. The groups we will contact are the American Civil Liberties Union and the International Association for Civilian Oversight of Law Enforcement, an organization which may have information about the need for law enforcement cultural sensitivity training. We will also contact Stockton Delta College, where counselors are familiar with problems Southeast Asian refugee students face in the school setting.

We also will attempt to document the problems in geographic areas that have not been covered before. For example, we will try to contact community groups in the Salinas area. Marty has noted that less information has come in from this area during past hearings. Also, we will try to contact protected groups which have not been represented at hearing.

Any follow-up you would like done should be given to us immediately. Marty would like to close the record by October 31st in order to stay on production schedule.

LJ:wp



JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

September 26, 1989

Dear

Thank you for agreeing to testify at the hearing before the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence (RERMV Commission) on October 6, 1989 at Oakland, City Council Chambers, City Hall, One City Hall Plaza. (Agenda attached.) As part of the RERMV Commission's continuing effort to address the rising problem of hate violence in California, it is holding this hearing to gather information for a report which will update the public on the nature and incidents of hate violence, and how law enforcement, schools and communities are working to address this problem.

The report from this hearing will specifically discuss how programs addressing the problem of hate violence operate in different contexts. The report will also issue recommendations identifying areas where attention is still needed. To meet our objectives, we request that in your remarks you summarize the nature of incidents of hate violence encountered, and provide a summary of how your program operates. Also, your discussion of any problems or limitations your agency or organization has encountered in establishing or running your program would be extremely informative and greatly benefit those who are now seeking to address the problem of hate violence.

We realize that it is difficult to provide a thorough report within the ten minute period of testimony time available to each speaker. We, therefore, ask that you submit in writing any information not covered in your remarks. Written information could include a program description, fiscal operating costs, education and training materials, and forms utilized. All additional information should be submitted to the RERMV Commission attention Marty Mercado by October 31, 1989.

September 26, 1989  
Page Two

On behalf of the Commission, I wish to thank you for your commitment and interest in addressing the problem of hate violence. We are looking forward to hearing your testimony at this hearing. If you have any further questions or need for clarification, please contact Marty Mercado at (916) 324-7859.

Sincerely,

MSGR. WILLIAM J. BARRY  
Chairperson

WJB:dah

Enclosure

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

August 29, 1989

TO ALL INTERESTED PERSONS/AGENCIES

In May 1984, the Attorney General created the Commission on Racial, Ethnic, Religious and Minority Violence to determine whether laws were adequate to protect residents of this state from crimes motivated by bigotry and discrimination - "hate violence".

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence considers an act of "hate violence" to be any act of intimidation, harassment, physical force or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, age, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under color of law.

The Commission presented its final report to the Attorney General in April of 1986 and made 38 recommendations to address this problem. Since then, several recommendations have been implemented through administrative and legislative action. These included amendment of the Ralph Civil Rights Act to provide attorneys fees, triple damages, and civil penalties up to \$10,000, and establishment of the Bane Civil Rights Act which provides criminal sanctions and injunctive relief for violation of the Ralph Act.

In order to determine what has happened since 1986 the Racial, Ethnic, Religious and Minority Violence Commission will meet in public hearing on Friday, October 6, 1989 in Oakland at the City Council Chambers, City Hall, One City Hall Plaza from 10:00 a.m. to 5:00 p.m.

The Commission will receive oral as well as written testimony to determine if "hate violence" is increasing, assess the effectiveness of current laws, and determine where current gaps exist in addressing this serious problem.

We invite you to address the following questions and request specific suggestions you might have.

1. Are you familiar with the Bane and/or Ralph Civil Rights Acts?
2. Would you like information about these?

ALL INTERESTED PERSONS/AGENCIES

August 29, 1989


Page Two

3. Do people report incidents of hate violence to you or to some other agency of which you are aware? If another agency, please name \_\_\_\_\_.
4. What changes/improvements do you think would be helpful?

If you wish to testify before the Commission, please contact Lola Acosta, who is coordinating the agenda. She can be reached at (916) 323-0335. Time constraints may require a limit on oral testimony, therefore written comments are invited. Please bring a written copy of your testimony to the hearing. If you are unable to attend the hearing, send your written testimony to the Office of Community/Consumer Affairs, 1515 K Street, Sacramento, CA 95814.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

  
Marty Mercado  
Chief, Office of Community  
and Consumer Affairs

MM:dah

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

To: MARTY MERCADO, Coordinator  
Office of the Attorney General  
1515 K Street  
Sacramento, CA 95814

- \_\_\_ I plan to attend the public hearing on Friday, October 6, 1989  
in Oakland.
- \_\_\_ I plan to testify.
- \_\_\_ I plan to submit written testimony. (The record will be held open  
to receive all written testimony until October 30, 1989.)

Name \_\_\_\_\_  
(please print)

Agency/Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

PLEASE RETURN BY SEPTEMBER 15th

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
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SACRAMENTO 94244-2550  
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September 26, 1989

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The report from this hearing will specifically discuss how programs addressing the problem of hate violence operate in different contexts. The report will also issue recommendations identifying areas where attention is still needed. To meet our objectives, we request that in your remarks you summarize the nature of incidents of hate violence encountered, and provide a summary of how your program operates. Also, your discussion of any problems or limitations your agency or organization has encountered in establishing or running your program would be extremely informative and greatly benefit those who are now seeking to address the problem of hate violence.

We realize that it is difficult to provide a thorough report within the ten minute period of testimony time available to each speaker. We, therefore, ask that you submit in writing any information not covered in your remarks. Written information could include a program description, fiscal operating costs, education and training materials, and forms utilized. All additional information should be submitted to the RERMV Commission attention Marty Mercado by October 31, 1989.

September 26, 1989

Page Two

On behalf of the Commission, I wish to thank you for your commitment and interest in addressing the problem of hate violence. We are looking forward to hearing your testimony at this hearing. If you have any further questions or need for clarification, please contact Marty Mercado at (916) 324-7859.

Sincerely,

MSGR. WILLIAM J. BARRY  
Chairperson

WJB:dah

Enclosure

LEGISLATIVE SUMMARY  
STATUS RERMV RELATED BILLS  
October 6. 1989

California Legislation

SB 202, Watson. Criminal records.

Would require local law enforcement to collect such information as may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage which appears to be motivated, in whole or in part, by the victim's race, ethnicity, religion, or sexual orientation. The data collection would be at the direction of the Attorney General, in a manner prescribed by the Attorney General, and subject to adequate funding for the Department of Justice (DOJ). Would also require DOJ to submit a report to the Legislature analyzing the results of the information obtained from local law enforcement agencies. The bill would impose a state-mandated local program by imposing new reporting duties on local law enforcement agencies. May 9, 1989 amended to require local law enforcement to impose a standard of reasonable suspicion in determining which crimes to report.

Status: SIGNED BY THE GOVERNOR SEPTEMBER 30, 1989.

SB 531, Torres. Civil rights: civil penalty.

Existing law provides that all persons in this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, or other specified reasons. Existing law provides that whoever denies this right is liable for among other things, a civil penalty of \$10,000. This bill would specify that the civil penalty of \$10,000 is to be awarded to the person denied this right, not to the state.

DOJ position: SP

Status: SIGNED BY THE GOVERNOR SEPTEMBER 15, 1989.

SB 532, Torres and Boatwright. AG Education Campaign on Bane and Ralph Acts

Would implement recommendations of the RERMV Commission report by adding duties to the Attorney General regarding civil rights laws: conduct a civil rights awareness campaign (in cooperation with Department of Fair Employment and Housing & Fair Employment and Housing Commission) to improve public awareness of provisions of Bane and Ralph state civil rights laws, penalties & civil remedies; develop model guidelines (with the CA District Attorneys Association and civil rights organizations) and technical assistance for enforcement of CA civil rights laws. Requires the AG to establish a state clearinghouse to provide information/model program resources; provide technical assistance, training and sponsor conferences & information dissemination campaigns; provide referrals to public inquiries; and to conduct in depth studies of particular discrimination problems.

Status: TWO YEAR BILL.



SB 1357, Torres. Cultural Diversity Programs in Schools,  
Hate Violence Prevention/Reporting, K-12.

Would implement recommendations of the RERMV Commission report by requiring Dept. of Justice to gather information from Dept. of Education, and assist schools to develop programs/curricula. Specifically, requires State Board of Education to adopt policies & guidelines to prevent & respond to acts of hate violence & bias related incidents by: adopting curriculum guidelines for ethnic studies & human relations courses K-12; develop guidelines to be used in teacher/administrator credentialing & inservice; develop guidelines for creating reporting systems for acts of hate violence; establish a California Schools Human Rights Commission.

Requires state Dept. of Education to create a CA Schools Human Rights Commission, with initial report no later than one year following the Commission's first meeting and a final report. Requires state Dept of Education to consult with Dept. of Justice Civil Rights Division to adopt procedures to revise the current school violence reporting form & to collect new information on acts of hate violence & bias related incidents. Sunsets January 1, 1992.

DOJ position: S

Status: VETOED BY THE GOVERNOR-"This bill is unnecessary. The Department of Education already has an Intergroup Relations Unit, which provides assistance to schools and districts in addressing issues related to racial violence in schools and in planning programs and activities designed to end racial, religious, and sex discrimination in schools. The intent of the bill would better be implemented by the Department..." veto message, 10/2/89.

SB 1358, Torres. Cultural Diversity Programs in Schools,  
Hate Violence Prevention/Reporting, higher education

Would require all public colleges to develop campus policies to encourage an appreciation for all individuals regardless of race, ethnic background, national origin, religious beliefs, sex, age, disability or sexual orientation; to prevent & respond to acts of hate violence & bias related incidents; require each campus to develop procedures to discipline students, faculty & employees who participate in acts of hate conduct; require each campus to develop procedures for preventing, reporting (including publishing an annual report describing results of compiling crime statistics and crime rates and acts of hate violence & bias related incidents for each campus), monitoring, evaluating & responding to acts of hate violence & bias related incidents; require governing bodies of each public college & trustees of private post secondary educational institutions to establish an ongoing Human Relations Advisory Board to advise on establishment of policies & procedures to maintain a fair and open environment and prevent hate violence and bias related incidents. Would

(SB 1358 continued)

require each governing body to submit a report to the Legislature on steps taken to implement the bill by July 15, 1991; would authorize the Attorney General to bring action to compel compliance against any post secondary education institution subject to requirements of this bill including the imposition of civil penalties.

Re-written June 27, 1989 to strike all language referring to hate violence and specific actions colleges and universities should take to reduce hate violence--inserted generic crime reporting information to students and employees. New language added regarding consumer protection; tuition reimbursement, with monitoring responsibility to Supt. Public Instruction. DOJ Position: SIP

Status: VETOED BY THE GOVERNOR--"While I am supportive..I am concerned about the cost...it is estimated that this bill would cost \$450,000 to implement...and create a state-mandated local program costing between \$1.25-3 million each year...for the University of California to report data it already collects...veto message 10/2/89.

#### Federal Legislation

S. 419 (Paul Simon), Hate Crimes Statistics Act.

Directs the U.S. Attorney General to 1) acquire data for 1990-1994 about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including murder, non-negligent manslaughter, rape, arson, assault, and vandalism; 2) establish guidelines for the collection of such data, including the necessary evidence and criteria for a finding of manifest prejudice. Prohibits 1) the use of data acquired under this Act other than for research or statistical purposes; and 2) such data from containing information as to any individual victim of a crime. Directs the Attorney General to publish an annual summary of such data. Authorizes appropriations.

Status: the bill is pending.

la

## BACKGROUND INFORMATION FOR RERMV HEARING

Consultants have talked with many of the witnesses scheduled to testify at the October 6 public hearing and identified some key issues likely to emerge in testimony.

### Recent Bay Area Hate Violence Incident:

A cross was burned at the home of an African-American family in San Leandro on September 23. The family had recently moved from Oakland to predominantly white San Leandro. Police have arrested a 24 year old white man for the cross-burning. The city council and city manager have made strong statements against the incident and plan to form a human relations task force. San Leandro has a history of hate violence incidents, including one last year involving display of a black doll with a noose around its neck at a middle school.

### Hate Crime Survivors

Scheduling of testimony from several hate crime survivors is pending for the morning session of the hearing. The Contra Costa Human Relations Commission and the Community United Against Violence, a San Francisco victim assistance organization serving gay men and lesbian women, are working with several potential witnesses. More information on hate crime survivors scheduled to testify will be available before the hearing.

### San Francisco Hate Crime Response System

San Francisco Mayor Art Agnos has charged the San Francisco Human Rights Commission with planning and implementing a response system for hate violence. Representatives of the San Francisco Human Rights Commission and Police Department, Break the Silence Coalition (an organization addressing anti-Asian violence), Community United Against Violence, and other groups will discuss the planning group's progress on developing a system. Representatives will also present the need for legislation to authorize and fund model hate violence response projects.

### Police Training / Policy

Several representatives of community organizations who are planning to testify are concerned about inadequate police training on dealing with cultural differences generally and hate violence specifically. They will discuss the need for improved training at all levels.

A Commission on Peace Officers Standard and Training (POST) representative is scheduled to testify to report that POST has implemented the Commission's recommendation to include training objectives on hate violence and cultural differences in basic police academy curricula. It should be noted that guidelines distributed to police academies set the objective as a low training priority. In testimony before the Attorney General's Asian Pacific Islander Committee, a POST representative said academies and police departments lacked resources necessary to implement the objectives.

Representatives of the Concord and San Francisco Police departments will report on their policies and training on hate violence. Concord was one of the first California law enforcement agencies to adopt hate violence response policies and procedures after a number of incidents occurred in a short period of time.

#### District Attorney's Training/ Policies

Contra Costa County District Attorney Jack Waddell will report on his offices policies and training for staff of prosecuting hate crimes. Contra Costa County was one of the first district attorneys' offices to adopt the guidelines recommended by the Attorney General's Office.

#### School Prevention/ Response

Representatives of two suburban school districts will report on their recent efforts to respond to and prevent bias-related harassment and hate violence at their schools. Both school districts have recently formed task forces and hired consultants on human relations.

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

August 29, 1989

TO ALL INTERESTED PERSONS/AGENCIES

In May 1984, the Attorney General created the Commission on Racial, Ethnic, Religious and Minority Violence to determine whether laws were adequate to protect residents of this state from crimes motivated by bigotry and discrimination - "hate violence".

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence considers an act of "hate violence" to be any act of intimidation, harassment, physical force or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, age, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under color of law.

The Commission presented its final report to the Attorney General in April of 1986 and made 38 recommendations to address this problem. Since then, several recommendations have been implemented through administrative and legislative action. These included amendment of the Ralph Civil Rights Act to provide attorneys fees, triple damages, and civil penalties up to \$10,000, and establishment of the Bane Civil Rights Act which provides criminal sanctions and injunctive relief for violation of the Ralph Act.

In order to determine what has happened since 1986 the Racial, Ethnic, Religious and Minority Violence Commission will meet in public hearing on Friday, October 6, 1989 in Oakland at the City Council Chambers, City Hall, One City Hall Plaza from 10:00 a.m. to 5:00 p.m.

The Commission will receive oral as well as written testimony to determine if "hate violence" is increasing, assess the effectiveness of current laws, and determine where current gaps exist in addressing this serious problem.

We invite you to address the following questions and request specific suggestions you might have.

1. Are you familiar with the Bane and/or Ralph Civil Rights Acts?
2. Would you like information about these?

ALL INTERESTED PERSONS/AGENCIES

August 29, 1989


Page Two

3. Do people report incidents of hate violence to you or to some other agency of which you are aware? If another agency, please name \_\_\_\_\_.
4. What changes/improvements do you think would be helpful?

If you wish to testify before the Commission, please contact Lola Acosta, who is coordinating the agenda. She can be reached at (916) 323-0335. Time constraints may require a limit on oral testimony, therefore written comments are invited. Please bring a written copy of your testimony to the hearing. If you are unable to attend the hearing, send your written testimony to the Office of Community/Consumer Affairs, 1515 K Street, Sacramento, CA 95814.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

  
Marty Mercado  
Chief, Office of Community  
and Consumer Affairs

MM:dah

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

To: MARTY MERCADO, Coordinator  
Office of the Attorney General  
1515 K Street  
Sacramento, CA 95814

\_\_\_ I plan to attend the public hearing on Friday, October 6, 1989  
in Oakland.

\_\_\_ I plan to testify.

\_\_\_ I plan to submit written testimony.

Name \_\_\_\_\_  
(please print)

Agency/Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

PLEASE RETURN BY SEPTEMBER 15th

JOHN K. VAN DE KAMP  
Attorney General

10/6/89 - 001242  
State of California  
DEPARTMENT OF JUSTICE



October 23, 1989

1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

Tino A. Guevara  
Director  
Fresno Human Relations Commission  
2300 Tulare Street, Suite 210  
Fresno, CA 93721

Dear Mr. Guevara:

Thank you for your letter of October 3, 1989 regarding hate crime complaints filed with your agency and your activities to resolve these complaints. Your letter will be entered into the public hearing held October 6, 1989 in Oakland.

We are pleased that you are collecting this information since it is the only way we have of assessing the magnitude of race/bias incidents of crimes

You may already be aware that the Governor has signed into law S.B. 202 which mandates hate crimes data collection by local law enforcement agencies. Several agencies are already collecting this information which is helpful to us.

San Diego Human Relations Commission has established a hate crimes unit, and the Contra Costa Human Relations Commission is also collecting information on hate crimes. I am enclosing a packet of information compiled for use by district attorneys in prosecuting hate crimes which may be useful to you.

Please let us know if we can be of further assistance.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

*Marty Mercado*  
Marty Mercado  
Chief, Office of Community  
and Consumer Affairs

MM:dah

Enclosures





City of



2300 Tulare Street, Suite 210  
Fresno, California 93721  
(209) 488-4595

*cc Medson*

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Human Relations Commission

October 3, 1989

Ms. Marty Mercado  
Chief, Office of Community and Consumer Affairs  
1515 'K' Street  
Sacramento, CA 95814

Dear Ms. Mercado:

I am writing to you in response to the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence. The purpose of the Human Relations Commission (HRC) of Fresno is to be a community educator, conciliator and mediator, and to promote better understanding among people and groups in the community.

Currently, the City of Fresno HRC records all complaints regarding race/bias incidents, discrimination and hate crime occurrences. As of this writing there have been three incidents recorded by our office since March of 1989. Examples of two hate/violence occurrences are given below.

In June of 1989, the Human Relations Commission was contacted regarding a demonstration of Ku Klux Klan members in a residential neighborhood. This in and of itself was completely within the confines of the law, however, a bulletin was left on a neighbors fence which read, "The KKK is watching you and we don't like what we see". The recipients of this message were residents of a Black shelter home. The next week shots were fired at the shelter home, fortunately no one was injured.

In response to this incident, the Human Relations Commission responded by holding a meeting between the two neighbors. The result of that meeting was that the one neighbor promised not to hold any further KKK rallies at this home, while the shelter home occupants promised to investigate drug usage on their property. Presently, tensions in the neighborhood have subsided, however the case is being closely monitored.

Ms. Marty Mercado  
Chief, Office of Community and Consumer Affairs  
October 3, 1989  
Page Two

A second example of hate violence was a case reported to the Commission in September of 1989. A student from Fresno State University who participated in a sit-in protesting racial and sexual discrimination was harassed by students at the school cafeteria. The student (who is a Hispanic female) was having lunch when six Anglo students began chanting, "KKK is the way, KKK is here to stay". In a related incident, a Hispanic male who also took part in the sit-in was followed by a group of skinheads. (See attached article)

The Human Relations Commission of Fresno will continue to resolve hate violence, discrimination, or police related incidents through the use of dispute mediation services, in addition to forums, conferences and distribution of information. Anytime an incident of hate violence occurs, a representative from the Commission will attempt to hold a meeting between the disputing parties along with a trained mediator. In this manner, disputing parties can reach some form of agreement on solving race bias issues.

Presently, it is my understanding that the HRC of Fresno is the only agency dealing with race/sexual bias and hate violence issues. Therefore, your information regarding the Ralph and Bane Civil Rights Acts would be very helpful to the work of the Commission.

If I can be of further assistance or can answer any questions, please contact me at (209) 488-4595.

Sincerely yours,



Tino A. Guevara, Director  
Human Relations Commission

TAG:mar

cc: Dr. Joseph Sacks

Attachment

# FSU racism lingers long after protest

## Chanting reported by students

By ANNE DUDLEY  
Bee staff writer

Students who staged a sit-in at Fresno State University last spring say they continue to be harassed for their involvement in the protest, including an incident at The Pit in which six white students chanted, "KKK is the way, KKK is here to stay."

"It was just words, but had I been walking in a secluded area by myself, it might not have been just words," Roxana Zapata said.

Zapata and a friend had just sat down at a table in The Pit, an eating area at the bottom level of the University Student Union, when three men and three women looked at her and began quietly chanting.

John Moore, Zapata's attorney, believes the incident was a result of a picture in The Bee that showed one of Zapata's friends, who is black, with his arm around her in support.

The picture was taken when Zapata and four other students were arraigned for failing to disperse at the sit-in. They will be tried in November.

Campus police arrested the sit-in participants after they had occupied the student Senate offices for nearly two days.

The sit-in stemmed from tension between the conservative Reality and liberal Unity-Students for Responsible Government parties on campus. The coalition students are Unity members.

Unity believed that Reality mem-

bers tried to make changes in the student constitution that would undercut the power of newly elected Unity Senate members. Reality denied the charges.

Zapata said the experience at The Pit and other incidents have made her wary of strangers, although she used to be outgoing.

"You know racism exists, but it startled me," Zapata said. "It was very frightening. I was upset."

There have been threatening phone calls, letters and some students have been followed since the sit-in at the student Senate offices May 4 and 5, said Scott Stark, who participated in the protest.

"Andres Montoya was walking home, and he was followed by a group of skinheads," Stark said.

Sit-in participants have initiated a buddy system and have been told not to walk anywhere alone.

In addition to specific incidents, Stark and Zapata said that many of their professors have become "chilly" to students who were involved in the sit-in.

"I know it sounds a little hard to believe. People say, 'Oh, you're just getting paranoid,'" Stark said. "But it's happening."

Bill Corcoran, dean of student affairs, said he had "not detected any changes in the campus climate in general," nor was he aware of threatening incidents aside from the chanting.

He said he had received a letter from Zapata last spring about her fears of reprisal after the sit-in. He said he wrote back telling her to report any incidents to the campus police.

This fall, Corcoran said he received a letter from Zapata about the chanting several days after the incident.

"I can't deal with things that are 3 to 7 days old," he said, noting that Zapata was not able to identify the

See Racism, Page B6

Fresno Bee  
10-2-89

# Racism

Continued from Metro page

students involved in the chanting.

Stark and Zapata said the campus police have been sent documentation of several harassment incidents, but Lt. Steven King said he was only aware of the KKK chanting.

He said the campus police department did receive several calls during the sit-in in May threatening the protesters.

"One of them was something like, 'If you don't get them out we will,'" King said. "There were rumblings — and this is speculating — from

the ag and Greek [fraternity] areas. "There was a lot of people who were quite upset that we didn't get them out [of the senate offices] more quickly."

Neither a task force appointed by FSU President Harold Haak after the sit-in to address racism and sexism on campus nor the administration has done anything to counter problems, Stark and Zapata said.

After the chanting incident, Zapata said she had hoped that the administration would come out with a public statement saying it would not tolerate such acts.

"But basically ... they didn't do anything," she said.

Stark said that the task force had been a big disappointment to the students.

"There's a high level of dissatisfaction with the task force," Stark said. "A lot of us put a lot of faith in it ... for nothing."

Walter Robinson, an educational opportunity program counselor and chairman of the task force, said he is not sure what the students want the task force to do.

"Certainly we're going to address [incidents like the chanting]," Robinson said. "But we're not going to be a grievance board. We need to be broader."

"People have looked at this as a Moses. Having a knee-jerk response to specific incidents is like putting a Band-Aid on the cancer."

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

To: MARTY MERCADO, Coordinator  
Office of the Attorney General  
1515 K Street  
Sacramento, CA 95814

- \_\_\_ I plan to attend the public hearing on Friday, October 6, 1989  
in Oakland.
- \_\_\_ I plan to testify.
- X I plan to submit written testimony.

Name Tino A. Guevara, Director  
(please print)

Agency/Organization City of Fresno, Human Relations Commission

Address 2300 Tulare Street, Suite 210, Fresno, CA 93721

Telephone (209) 488-4595

PLEASE RETURN BY SEPTEMBER 15th



Coalition Against Anti-Asian Violence

Testimony Before the  
Attorney General's Commission on  
Racial, Ethnic, Religious and Minority Violence

Break the Silence --  
Asians Against Violence  
October 4, 1989

In the four years which have intervened since the last hearings held by this commission, hate-related violence has continued to escalate both in numbers and in virulence. This wave of hate has not exempted any community, be it Black, Asian, gay/lesbian, or Jewish. For the Asian community, this escalation has been typified by the following examples:

■ In 1987, an eighteen year old Chinese American student was the victim of racist graffiti and death threats written on his home, his school, and throughout the Lafayette business district, as a result of a fight which occurred on a high school campus.

■ In 1988, racist graffiti proclaiming "Japs and Chinks Only!" was found on a door of the ethnic studies department at U.C. Berkeley.

■ In 1989, four Cambodian and one Vietnamese students were gunned down in a Stockton elementary school yard by a crazed gunman wielding an automatic assault weapon and a hatred for Asians.

■ In 1989, in North Carolina, a Chinese immigrant was murdered White man outside a barroom following racial insults and being struck with a shotgun.

■ In 1989, a San Mateo community college newspaper printed a blatantly racist attack on Asians, full of distortions and stereotypes.

Escalating bigotry against all minority groups calls for broad and unified action and innovative plans.

There have been advances in dealing with hate violence. The Attorney General's office, and this commission played key roles in increasing penalties and creating civil remedies against hate crime perpetrators, through the Bane Civil Rights Act. Individual jurisdictions such as San

Testimony, RERMV Commission  
Break the Silence  
Page 2

San Francisco, Los Angeles, and Concord have created hate crime monitoring systems. And just this last week, California created its first statewide hate crimes reporting system.

Yet despite these advances on the governmental level, little has been done to insure a corresponding ripple effect at the community level. This is due to three factors.

First, while new governmental programs and enforcement statutes have been created, implementation and public education efforts on these programs has been inadequate.

Second, there has been no concerted effort to link law enforcement agency responsibilities on hate crimes with a general comprehensive community response to hate violence.

And third, while the lion's share of community education, victim assistance, and advocacy occurs through the efforts of community organizations and networks, there has been little recognition of these groupings as critical institutions in the fight against hate violence.

Simply stated, without an overall approach to the hate violence problem, the current enforcement mechanisms will remain paper remedies, ineffective, misunderstood, and ignored. What is needed is a joint venture between government and the affected communities to end hate violence.

Break the Silence makes the following recommendations to the Commission:

1. **Full implementation of Hate Crime Reporting System.** The newly created statewide hate crimes reporting system, formerly S.B. 202 (Watson), as yet has no appropriation, although it is to go into effect on July 1, 1990. This commission should recommend and support legislation to insure adequate funding for the proper operation and management of the reporting system. Further, it is of utmost importance that the public at large have input into the development, implementation and evaluation of the reporting system. A statewide advisory task force should be created, possibly as an adjunct to this commission, to solicit ideas for the design and use of the reporting system. Similar advisory models might also be suggested at local levels as well, such as the community committee working with the San Francisco Police Department Community Services Division to assist in the development and

Testimony, RERMV Commission  
Break the Silence  
Page 4

support for these organizations, and work for their inclusion in hate violence projects at all levels. This effort can be furthered by the creation of a statewide human relations network, to identify those organizations which can provide services and expertise on the hate violence issue.

While much has been accomplished as a result of the work of this commission since 1985, the problem of hate violence requires comprehensive planning and involvement with all sectors of the public. We hope that this commission will take immediate affirmative steps to broaden the approaches taken to hate violence and bigotry. The communities at risk cannot not afford to wait another four years before adequate remedies are developed and implemented.

Testimony submitted by:  
Michael Wong and Sam Cacas, Break the Silence

Break the Silence  
P.O. Box 2165  
San Francisco, CA 94126

For more information, call (415) 848-2259



#### **Appendix: Current Activities of Break the Silence**

A summary of the goals and objectives, and past activities of Break the Silence, are included in the following attachment. In addition,

- Break the Silence is assisting in the organizing of a city-wide hate violence, in conjunction with the San Francisco Human Rights Commission, the Coalition on Civil Rights, and community organizations such as Community United Against Violence, Anti-Defamation League of B'nai B'rith, and the NAACP.

- Break the Silence has initiated a Black/Asian community outreach project, which will examine hate violence directed at the respective communities, and joint education and organizing work to reduce inter-community tensions.

- Break the Silence is continuing its work with the Southeast Asian community in San Francisco, Oakland, and in Stockton, assisting in community organizing and victim assistance work.

- Break the Silence will be working with the City of San Leandro in developing a human relations mechanism, in the wake of racist cross-burnings within the last two weeks.

- Break the Silence will be working with Community United Against Violence, an organization working in the gay and lesbian community, on joint outreach, and the development of hate violence curriculum for the public schools.

- Break the Silence will be investigating the establishment of a community-based monitoring system for incidents of racial and ethnic violence reported to Asian community organizations.



## What is Break the Silence?

**Break the Silence** is a community-based coalition which serves as a vehicle for raising community awareness on the rise of violence against Asians.

BTS was formed in the wake of the tremendous national attention and organizing which centered on the 1982 racially-motivated murder of Vincent Chin in Detroit. In the aftermath of the Chin tragedy, the community needed to develop a perspective on the broader issues of anti-Asian sentiment beyond such acts of violence. In May, 1986, local Asian community organizations held the first Bay Area conference on anti-Asian violence. This conference drew over 150 participants and focused attention on the breadth of anti-Asian sentiment, from anti-immigrant attacks and the media stereotyping of Asians, to violence against Asian women.

Established as an outgrowth of the conference, **Break the Silence Coalition** has continued to play a key role in responding to specific incidents of anti-Asian violence, and racial justice issues facing Asian Americans.

**Statement of Purpose of Break the Silence:**  
*To fight and prevent anti-Asian violence, and  
the conditions which generate such violence.*

### Goals:

1. Because violence against Asians is indicative of the persistent racism in American society, BTS opposes not only physical violence, but all forms of racism.
2. BTS seeks to empower the Asian community as a whole, and its individuals, in their pursuit of justice and civil rights for all Asian Americans. This work encompasses working with those communities most at-risk, such as immigrants and refugees, as well as with organizations addressing anti-Asian violence across the country.
3. BTS works to change institutions, both governmental and non-governmental, which influence and affect the social factors which foster violence against the Asian community. These institutions include law enforcement groups, elected bodies, human relations commissions, and the media.
4. In recognition that violence against the Asian community is connected to the violence experienced by all minority communities, BTS strives to strengthen ties and alliances between this community, and all other communities threatened by hate violence.

**Break the Silence** undertakes these goals through:

- 1) **Community Organizing:** Strengthening the capabilities of the Asian community to combat increasing anti-Asian sentiment and violence. This includes the building of joint initiatives among

diverse communities, such as the churches, labor, gays and lesbians and the Black community, to resist all forms of hate crimes.

2) **Community Education:** Increasing public and community awareness of anti-Asian sentiment and violence, its causes, and its resolution. This process also includes outreach and the expansion of our anti-Asian violence network.

3) **Advocacy:** Promoting institutional change and sensitizing government and other institutions through policy and perspective statements on issues of anti-Asian violence.

## List of Accomplishments

In the three years after the initial conference, Break the Silence has accomplished the following activities:

### Organizing Work

- Spearheaded a broad-based community effort to assist the San Francisco Police Department in establishing its first comprehensive hate crimes reporting system, in February, 1988. Community representatives from the Black, women, gay/lesbian, religious, and civil rights communities all participated in this significant coalitional effort.

- Sponsored a west coast regional organizing meeting with representatives from Los Angeles, Seattle, Denver, and San Francisco, to discuss anti-Asian violence issues and strategies from the different regions, in June, 1987.

- Assisted victims of anti-Asian violence by helping to liaison with law enforcement agencies, the district attorney, and the human relations commissions.

- Worked with other members of the Asian/Pacific community to formulate a response to the State Attorney General's 1986 Report on Organized Crime, in July 1987. As a result of this community pressure, the Attorney General established his Asian Pacific American Advisory Committee.

### Educational Work

- Sponsored a forum on the issue of violence in our schools and its impact on Asian youth, in February, 1987.

- Sponsored a forum on the English-Only movement in California, in September, 1986.

- Participated in the Asian Pacific Task force of the Oakland Unified School District's Student Leadership Conference, in May, 1987.

- Sponsored an educational forum on the national movement against anti-Asian violence. The presentation included a report on the final outcome of the Vincent Chin case by a member of the Detroit-based American Citizens for Justice, in June, 1987.

- Sponsored a forum on the role of labor in the fight against anti-Asian discrimination and violence, March, 1988

- Published an on-going newsletter, *Break the Silence*, highlighting the work of BTS as well as reporting on issues of violence and discrimination facing the Asian community.

- Presented statements at a number of conferences and forums on the issues of violence against Asians, including conferences by the California Association of Human Relations Organizations, the Asian Pacific Bar Association, the American Civil Liberties Union, the National Asian Pacific Law

Student Association, the Asian American Committee on Crime, and presentations before the Fair Employment and Housing Commission and the Concord and Contra Costa Human Relations Commissions.

#### **Advocacy Work**

- Testified before state and national legislative bodies on the need for hate crimes reporting and enforcement, and neighborhood violence issues.

- Maintained working ties with anti-Asian violence organizations in Detroit, Los Angeles, New York, Boston, and Denver, as well as participate in the Ecumenical Working Group of Asian Pacific Americans, a religious community network focusing on violence against Asians.

- Established an on-going relationship with members of the City of Concord Human Relations Commission in addressing issues related to anti-Asian violence in Contra Costa County

Within the next six months, Break the Silence will be working on the following activities:

- A joint educational project with Community United Against Violence, an organization fighting violence against the San Francisco gay/lesbian community.
- Continued follow-up and organizing in the aftermath of the Cleveland School shootings in Stockton, including joining a community-wide call for public hearings on the current conditions and environment facing refugees in Stockton and throughout the Central Valley.
- Continued monitoring and follow-up on the San Francisco Police Department Hate Crimes reporting system.
- Establishment of a speaker's bureau on anti-Asian violence issues.

Break the Silence would like to encourage anyone interested in these projects, or any other issues involving violence against Asians, to join our efforts. BTS currently has six standing committees: Outreach, Hate Crimes, Newsletter, Fund-raising, Speaker's Bureau, and a Steering committee which coordinates the organization's projects.

For more information on committees, please contact:

**Newsletter:** Janice Lee, 982-2959 (Asian Neighborhood Design)

**Outreach:** Lindsey Jang, 982-2959

**Fundraising:** Steve Suzuki, 982-2959

**Hate Crimes:** Mike Wong, 848-2259

**Speaker's Bureau:** Sam Cacas, 893-5740

Break the Silence thanks the Vanguard Public Foundation and the Asian Foundation for Community Development for their generous support.

# Office of District Attorney

Court House, Fourth Floor  
P.O. Box 670  
Martinez, California 94553-0150  
415) 646-4500

# Contra Costa County

Gary T. Yancey  
District Attorney



## RESPONSE TO RACIAL, RELIGIOUS, ETHNIC, AND SEXUAL ORIENTATION COMPLAINTS

### A. POLICY

1. It is the policy of the Contra Costa County District Attorney to ensure that rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion, or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all available steps to identify responsables and bring them to justice.
2. All criminal offenses of violence, intimidation, or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and prosecution shall be considered a high priority. Such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalation to the point of counterviolence.

### B. DEFINITIONS

1. R/R/E/S - Refers to race, religion, ethnic background, and sexual orientation.
2. R/R/E/S crimes are acts or attempts to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by race, ethnic background, religion, and/or sexual orientation.
3. R/R/E/S crimes are defined in Penal Code Sections 422.6 through 422.9 which are summarized as follows:
  - 422.6a Subdivision (a) of Section 422.6 generally makes it unlawful to interfere, by force or threat of force, with another person's free exercise of state or federal constitutional or statutory rights because of that person's race, color, religion, ancestry, national origin, or sexual orientation. A violation of this subdivision cannot be based on speech alone; unless the speech itself threatened violence against a specific person or group of persons and the defendant had the apparent ability to carry out the threat. [Penal Code Section 422.6, subd. (c).]

422.6b Subdivision (b) of Section 422.6 generally makes it unlawful to deface or damage another person's property because of that person's race, color, religion, ancestry, national origin, or sexual orientation.

Violation of subdivision (a) or (b) is a misdemeanor punishable by a fine of up to \$5,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.6, subd. (c).]

422.7 Penal Code Section 422.7 is a provision which, under certain circumstances, permits crimes which are presently misdemeanors to be charged as felonies if the crime was motivated by bigotry. This "wobbler" provision applies in any one of the following cases: (1) the crime was committed against the person of another and either included the present ability to commit violent injury, or caused actual physical injury; (2) the crime was committed against the property of another and caused damage in excess of \$1,000; or (3) the defendant has previously been convicted of violating Penal Code Section 422.6, discussed above, or of a conspiracy to violate that section.

If any of these conditions are met, then a crime which would otherwise be a misdemeanor becomes a "wobbler," if the crime was committed against the person or property of another, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation, and for the purpose of interfering with the other person's state or federal constitutional or statutory rights. Felony arrest powers would apply in a case where an officer has reasonable cause to believe that a felony has been committed under this section [Penal Code Section 836, subd. (3).]

#### C. PROCEDURE

1. All cases involving possible R/R/E/S crimes shall be submitted to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office. The normal appointment procedure shall be followed.
2. The Bane Civil Rights Act has both a civil and a criminal component. The civil provisions, found at Civil Code Section 52.1, permit the Attorney General, district or city attorneys, or a victim, to seek an injunction against threatened violent interference with state or federal constitutional or statutory rights.

The District Attorney will not accept cases for civil action.

Victims of all R/R/E/S incidents which cannot be criminally prosecuted but which may be actionable under Section 52.1 of the

Civil Code should be referred to the private bar or the Attorney General, or the Fair Employment and Housing Commission, as appropriate.

3. Orders issued under Civil Code Section 52.1 are enforced by local law enforcement agencies, much like restraining orders in domestic relations cases. [Civil Code Section 52.1, subd. (e); Penal Code Section 422.9, sub. (c).]

Willful violation of an order issued under Civil Code Section 52.1 is a misdemeanor, punishable by a fine of up to \$1,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.9, subd. (a).] However, a person who has previously been convicted of violating such an order is subject to imprisonment in county jail for up to one (1) year. [Penal Code Section 422.9, subd. (b).]

#### D. RESPONSIBILITIES

##### 1. Senior Deputy District Attorney

- a. Advise the District Attorney immediately of all R/R/E/S cases brought to his attention;
- b. Participate with the felony filing attorney in filing conference and advise District Attorney of proposed decision (whether or not to issue a complaint);
- c. Assign case to staff attorney for vertical prosecution;
- d. Submit suggested press release to the District Attorney for approval;
- e. Advise the District Attorney of any community leaders or victim support groups who have expressed an interest in the development of the case.

##### 2. Felony Filing Attorney

- a. Notify the Senior Deputy District Attorney in charge of the branch of any R/R/E/S case brought to the office for potential prosecution;
- b. Make filing decision and complete investigation request to local police agency when necessary. See Appendix A to aid in decision-making process;
- c. Use felony filing forms in Appendix B 1-3;
- d. Consider the applicability of additional codes, e.g.:

PC 11411 Terrorism: Burning or desecration of religious symbols; placement or display of physical impressions;

PC 11412 Threats obstructing exercise of religion;

PC 11413 Terrorism: Use of destructive device, explosive or commission of arson; places of worship, places or meetings involving abortion;

- e. Assign investigative follow-up duties to District Attorney Investigator;
- f. Prepare written "Decision Not to Issue" form explaining any decision why case cannot be prosecuted and forward copy to local chief of police and District Attorney;
- g. Make bail recommendations and file PC 1269 form, if appropriate.

3. Assigned Attorney

- a. Review all investigation reports and prepare supplemental investigation requests;
- b. Appear at bail study when necessary;
- c. Contact victim within five (5) days of filing to establish rapport and assess victim needs;
- d. Appear at all significant stages of the proceedings, including bail study, preliminary hearing, readiness conferences, trial, motions, and sentencing;
- e. Do not enter into a negotiated disposition of any R/R/E/S case without the express approval of the Senior Deputy District Attorney in charge or the District Attorney;
- f. File statement of aggravation in all sentencing hearings; include the following when applicable:

PC 1170.75      Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin: aggravation of time

PC 1170.8        Arson, robbery, or assault in places of worship: aggravation of time



## CIVIL RIGHTS CRIMES: FILING STANDARDS

### APPENDIX A

In order for Sections 422.6a, 422.6b, or the 422.7 enhancement to be applicable, the prosecution must prove beyond a reasonable doubt that the conduct of the defendant was motivated by his "hatred" of the victim's race, religion, color, ancestry, national origin, or sexual preference.

This is in the nature of a specific intent which, absent an admission by the defendant, must be inferred by the totality of the circumstances.

In determining whether this intent is present, it may be helpful for the filing attorney to analyze the facts by asking him/herself the following questions:

1. Did the crime occur at all or in part because of racial, ethnic, religious, or sexual differences between the person(s)/group(s) or for other reasons (childish pranks, unrelated vandalism, school rivalry, etc.)?
2. Has the victim or victim-group been subjected to repeat attacks of a similar nature?
3. Is the victim the only minority group member in the neighborhood or one of a few?
4. Did the victim recently move into the area? Is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all the victims of the same race, ethnicity, religion, or sexual orientation?
6. Has the victim been associated with recent or past activity relating to his or her race, ethnicity, religion, or sexual orientation (e.g., gay rallies, demonstrations, holiday celebrations, conferences/conventions, religious meetings, etc.)?
7. Has there been prior news coverage of events of a similar nature?
8. What were the manner and means of attack (e.g., color of paint, correctness of the spelling of words, symbols or signs used, etc.)? Are there similarities to other documented incidents?
9. Is there an ongoing neighborhood problem that may have initiated or contributed to the incident (e.g., could the act be retribution for some conflict with neighbors, area juveniles, etc.)?
10. Does the crime indicate possible involvement by an organized group? For example:
  - a. Is the literature printed or handwritten?
  - b. Does the name signify a "copy cat" (similar type incident) syndrome?

- c. Is there any documented or suspected organized group activity in the area?
  - d. Was this group involved in a true sense, or as a fear or scare tactic?
11. Does the party(ies) responsible have a true understanding of the impact of the crime on the victim or other group members?
  12. Is the victim of one R/R/E/S group and the suspect of another?
  13. Defendant's history, gang membership, prior acts of violence, etc.

PC 422.6(A) SEV: M FORM: 0  
INTERFERENCE WITH CIVIL RIGHTS (FORCE OR THREAT)

1 The undersigned states, on information and belief, that  
#NAME  
, defendant, did commit a misdemeanor, to wit; violation of  
PENAL CODE SECTION 422.6(a) (INTERFERENCE WITH CIVIL RIGHTS  
(FORCE OR THREAT)),  
committed as follows, to wit:

2 On or about  
#DATE  
, at  
3 #PLACE OF OFFENSE  
, in Contra Costa County, the Defendant,  
1 #NAME  
, did wilfully and unlawfully by use of force and threat of  
force, intimidate, interfere with or oppress  
4 #NAME OF VICTIM  
, in the free exercise of his/her constitutional rights,  
because of his/her  
5 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
ORIENTATION \*

\* Choose one or more if applicable

PC 422.6(b) SEV: M FORM: 0  
INTERFERENCE WITH CIVIL RIGHTS (PROPERTY DAMAGE)

1 The undersigned states, on information and belief, that  
#NAME  
, defendant, did commit a misdemeanor, to wit; violation  
of PENAL CODE SECTION 422.6(b) (INTERFERENCE WITH CIVIL  
RIGHTS (PROPERTY DAMAGE)),  
committed as follows, to wit:

2 On or about  
#DATE  
, at  
3 #PLACE OF OFFENSE  
, in Contra Costa County, the Defendant,  
1 #NAME  
, did wilfully, unlawfully, and knowingly deface, damage  
and destroy the  
4 #REAL OR PERSONAL  
property of  
5 #NAME OF VICTIM  
for the purpose of intimidating or interfering with the  
free exercise of his/her constitutional rights because  
of his/her  
6 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
ORIENTATION. \*

\* Choose one or more if applicable

ENHANCEMENT  
CIVIL RIGHTS VIOLATION

It is further alleged, pursuant to PENAL CODE SECTION 422.7, that the defendant

- 1 #NAME  
2 , committed the above offense against the person or  
property of  
2 #NAME OF VICTIM  
3 , for the purpose of intimidating or interfering with the  
free exercise of his/her constitutional rights because of  
3 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
ORIENTATION. \*

It is further alleged that the offense was committed under the following circumstances:

- 4 #IT WAS A CRIME AGAINST THE PERSON OF ANOTHER, AND THE  
DEFENDANT DID CAUSE OF HAVE PRESENT ABILITY TO INFLECT  
PHYSICAL INJURY ON VICTIM./ THERE WAS PROPERTY DAMAGE,  
IN EXCESS OF \$1,000 TO VICTIM./ BEFORE THE COMMISSION OF  
THIS OFFENSE, THE DEFENDANT ON (DATE), IN (COURT),  
DID COMMIT THE OFFENSE AND WAS CONVICTED OF A VIOLATION OF  
SUBSECTION A OR B PENAL CODE SECTION 422.6.

\* Choose one or more if applicable

**Attorney General's Commission on Racial, Ethnic, Religious, and Minority  
Violence**

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Offense: 422.6 and 11411 P.C. (Cross-burning)

Victim: Quarles Family

Date: September 23, 1989

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**City of San Leandro Response:**

Approximately two and one-half days after this crime occurred, our investigators had completed their preliminary investigation. Evidence was minimal and there were apparently no witnesses.

Mayor Dave Karp and City Manager Dick Randall had been kept apprised of the progress of our investigation. The Mayor proposed the offering of a reward to be presented by the City Council. This was encouraged and the San Leandro City Council passed a resolution announcing a \$5000 reward for information leading to the arrest and conviction of the perpetrators. The following day, at the urging of Supervisor Mary King, the Alameda County Board of Supervisors offered a reward matching San Leandro's.

Meanwhile, our investigators were contacted by two citizens who had knowledge of the primary suspect. These citizens then worked closely with our investigators, presenting sufficient evidence for an arrest warrant.

Subsequent to the suspect's arrest on Wednesday, September 27, the Mayor and the Police Chief conducted a press conference. Mayor Karp repeated his concern for the victims of this crime, reflecting the outrage of the whole city.

Three other men were implicated in this case. They have been identified and contacted by our investigators; however, at this time, there is

insufficient evidence for their arrest. The case remains open and the investigation continues. We have continued communicating with the victims.

From my perspective the timely arrest of the primary suspect in this case resulted from three factors: (1) the allocation of sufficient police staff to the investigation; (2) the full involvement of San Leandro's elected officials, resulting in a reward; and (3) the widespread coverage given this case by the media.

Recommendations:

In terms of police response to this type crime, update legal training would assist the investigators in developing their case. Specifically, training and review of the civil rights laws currently available is important; this can be accomplished easily, at least in Alameda County, utilizing the law enforcement legal update training video tapes produced by Don Ingraham, DDA. Additionally, a block of instruction on civil rights enforcement should be included in basic police academies.

Draft

Good morning, Monsignor Barry and members of the Commission. I am Peter Jamero, Director of the San Francisco Human Rights Commission. I want to

begin by thanking you for your invitation to speak to you today on the issue of hate violence. *We cannot forget you for calling this public hearing. It is timely, relevant to the times in which we live in this great city of ours!* The Commission celebrated its 25th anniversary this year, making it one of the oldest Human Rights Commissions in the state of California. ~~Although, this is the first time any representative of the Commission has appeared before you, my appearance is very timely.~~

When the Commission was created, its primary focus was on educating the public, diffusing community tensions and studying institutional forms of discrimination, particularly in education and public employment. As the Commission matured, and analysis of the problems became more sophisticated, the work of the Commission shifted heavily toward employment development, *particularly* with companies who received public contracts, and *specially toward the* development of minority and women business programs for the City and City contractors. Our focus became so fixed *on M/WBE programs* that when we ~~first identified~~ *identified* the need for a vehicle to provide a response to growing incidents of dispute and violence between various communities, we *had to* create a separate not-for-profit organization, the Intergroup Clearinghouse. The Clearinghouse consisted of representatives from San Francisco's many communities -- racial, ethnic, lesbian and gay, and religious -- who provided a forum for individuals and community organizations to discuss *As first, the Clearinghouse had a number of success stories.* problems that had the potential to heighten intergroup tensions. *For a Bad our time,*

*for a* variety of reasons, primarily financial, the Clearinghouse was never able to fully achieve its potential *to* respond to the changing nature of *hate violence.* the problem.

While the Human Rights Commission *may have* ~~has~~ not devoted much time or resources to the matter of hate violence in recent years, the City was not still.



*have already heard*  
~~As you will hear from various speakers today,~~ a number of Community based organizations arose out of the increase in criminal and non-criminal acts against persons, based on their membership in racial, religious ethnic or sexual minorities. *for example,* The Community United Against Violence was formed to respond to attacks on members of the gay and lesbian community which often were ignored or dismissed by the community at large. As the number of attacks -- both verbal and physical -- on Asians increased in recent years, the Break the Silence Coalition against Anti-Asian Violence was formed to provide information to the public, assistance to victims and to develop a community based response. The example set by the Anti-Defamation League in the Jewish Community cannot be ignored, for much of the territory other minorities are going over today has been previously and effectively charted out by that organization over the years. Also deserving of notice ~~was~~ *is* the work of the Community Services Division of the San Francisco Police Department which developed a procedure for responding to hate-motivated crimes, and was able to persuade the Chief and the Police Commission to implement that procedure along with training for all officers, *and plus* and reporting and data collection requirements.

However, even as the City responded to the problem, or perhaps because of that response, the number of such incidents and attacks seemed to increase. Perhaps it was the result of greater awareness or perhaps the result of greater integration and interaction among peoples; whatever, there was an acknowledgement that prejudice-based incidents were increasing and were directed at many minorities including, Blacks, Arabs, Asians, Jews, Latinos, Women, Native Americans, Lesbians, the Elderly, the Disabled, Gay Men, Moslems and Person with AIDS.

My appearance before you<sup>today</sup> is particularly timely,  
~~I indicated at the beginning of my talk that this was a timely appearance.~~  
~~That is~~ because as a result of the increased awareness of the extent of the  
problem of hate motivated violence and its impact on the emotional and  
psychological well-being of the individual, the family and the community.  
Mayor Art Agnos and the Board of Supervisors have asked that the Human Rights  
Commission hold public hearings on the extent and degree of the problem of  
hate violence in San Francisco, and that we further use such hearings to  
design and develop a comprehensive plan of response involving both the  
government and the Community.

Because we understand how important the Community is to any kind of an  
effective response to this problem, we have decided the hearings should be  
jointly sponsored by the HRC and the Coalition for Civil Rights, an  
organization consisting of a variety of community based civil rights  
organizations, including the NAACP, the Break the Silence Coalition, the  
Community United Against Violence, National Gay Rights Advocates, and others.  
Because we can see how extensive and serious and complex this problem is, we  
have committed to holding hearings over two days, covering at least eight  
hours. And because we acknowledge that others, in California and throughout  
the country, have tried to deal with this problem in their own way, we are  
looking at and drawing from a variety of existing models in putting together  
our plan.

We do know that our plan must contain the following elements:

- 1) A centralized system for data collection which will insure that all  
such incidents are recorded and analyzed so that responsive programs can be  
developed.

*n. malenusch*

2) A uniform, simple, reliable and effective reporting system which is able to win the confidence of victims and provide a framework for a suitable response.

3) The committed involvement of the Police Department ~~is~~ sensitively responding to all complaints of hate-motivated incidents as a visible signal to the victim, the perpetrator and the community at large, <sup>which sends the clear message</sup> that the City has assigned this problem the highest priority.

4) The on-going involvement of the school systems, from pre-school through University, in the classroom and in the extra-curricular activities. This involvement must occur not only in the curriculum but through the creation of models for resolving disputes within the academic community.

5) The buy-in of the community by being involved in the planning, <sup>the violence</sup> designing and implementation of the comprehensive program. ~~The problem~~ is ultimately a community-based problem and solutions will only be effective to the extent that they have the commitment of the community, whether that is in providing assistance to victims and their families or participating in alternative resolution vehicles, such as neighborhood meetings or community boards.

We do not believe that creating such a system will be easy. In addition to the constant problem of adequate resources, we are faced with the difficulty of drawing together and coordinating the efforts of very disparate elements, and imposing <sup>a new</sup> ~~this~~ system on an existing structure. Fortunately, we will be able to draw on the experiences of our friends throughout the country, including Boston, Baltimore and New York and of similar models which exist for other problem areas in California, such as child abuse or the sexual assault of women.

Whatever the cost, the City of San Francisco is committed to meeting this challenge because we recognize that the future is upon us -- and it is a multi-cultural, multi-ethnic, multi-faceted future. And if we are to provide ourselves and our children with a society that is healthy and secure and values the richness of a diverse community, we must begin today.

Thank you.

PMJ:DH:ad

10/04/89

[PJ]ANN-7-11

files

PRESENTATION TO ATTORNEY GENERAL'S COMMISSION ON  
RACIAL, RELIGIOUS AND MINORITY VIOLENCE  
OAKLAND, CALIFORNIA, OCTOBER 6, 1989

ENCLOSURES: CONCORD POLICE DEPARTMENT GENERAL ORDER 61, REV. 3/88  
TRAINING BULLETIN VII.27, REV. 5/1/88  
ARREST RECAP

LADIES AND GENTLEMEN OF THE COMMISSION, I AM GEORGE STRAKA, CHIEF OF POLICE FOR THE CITY OF CONCORD. I AM HERE TO SHARE MY DEPARTMENT'S EXPERIENCE WITH COLLECTING DATA ON RACIAL, RELIGIOUS, ETHNIC AND SEXUAL ORIENTATION CRIMES MOTIVATED BY HATRED OR PREJUDICE.

I WILL ALSO BRIEFLY DISCUSS PROBLEMS OR LIMITATIONS THAT WE EXPERIENCED DURING IMPLEMENTATION AND MAINTENANCE OF OUR PROGRAM. A MORE DETAILED WRITTEN REPORT WILL BE SUBMITTED TO THE COMMISSION PRIOR TO OCTOBER 31, 1989.

POLICY DEVELOPMENT

DURING JULY, 1986 WE ESTABLISHED A FORMAL POLICY AND PROCEDURE FOR HANDLING "HATE CRIMES", HEREAFTER REFERRED TO AS RRE'S. PRIOR TO THAT TIME WE WERE OPERATING UNDER A CHIEF'S DIRECTIVE WHICH WAS NOT AS STRUCTURED. IN A NUTSHELL, WE ADOPTED, WITH MINOR MODIFICATIONS, A PROTOCOL YOUR COMMISSION RECOMMENDED TO THE ATTORNEY GENERAL IN APRIL, 1986, I BELIEVE.

AT INCEPTION, WE DEFINED HATE CRIMES WITH A VERY LIBERAL INTERPRETATION. WE DECIDED TO DOCUMENT ANY INCIDENT WHICH HAD RRE OVERTONES. WE DID NOT FOCUS DIRECTLY ON SEXUAL ORIENTATION INCIDENTS.

OUR PROCESS PLACED OUR HIGHEST RESPONSE PRIORITY TO CALLS OF THIS NATURE. A POLICE OFFICER IS DETAILED TO THE SCENE.

A SUPERVISOR ALSO RESPONDS. A FIELD INVESTIGATION MUST BE CONDUCTED IMMEDIATELY. THE WATCH COMMANDER IS NOTIFIED AND REPORTS MUST BE COMPLETED PRIOR TO THE OFFICER CLOSING HIS TOUR OF DUTY.

THE WATCH COMMANDER ENSURES THAT PATROL IS MAINTAINED IN THE AREA FOR AS LONG AS NECESSARY. IF THE CRIME IS SERIOUS, THE WATCH COMMANDER MUST REPORT TO THE SCENE AND NOTIFY THE CHIEF OF POLICE. IN LESS SERIOUS OFFENSES, THE WATCH COMMANDER ENSURES THAT THE CHIEF, UNIFORM DIVISION AND INVESTIGATION DIVISION COMMANDERS ARE NOTIFIED VIA COMPUTER MAIL.

THE INVESTIGATION DIVISION COMMANDER IS RESPONSIBLE FOR IMMEDIATE FOLLOW-UP AND COORDINATION WITH INTER-DEPARTMENT AND OUTSIDE AGENCIES. HE MAINTAINS A CROSS REFERENCE FILE FOR TRACKING PURPOSES AND ANALYSIS OF TRENDS. HE ALSO MAINTAINS CONTACT WITH APPROPRIATE REVIEW AUTHORITIES AND COMMUNITY LEADERS REGARDING STATUS OF INVESTIGATIONS. HE ALSO ENSURES THAT ANY WRITINGS OR SYMBOLS RELATING TO THE INCIDENT ARE REMOVED FROM PUBLIC PROPERTY AND ENCOURAGES PRIVATE PROPERTY OWNERS TO DO THE SAME.

THE CRIME PREVENTION/COMMUNITY RELATIONS UNIT PERFORMS FOLLOW-UP INVESTIGATIONS ON NON-CRIMINAL INCIDENTS MOTIVATED BY RRE'S. THIS UNIT HOLDS PUBLIC MEETINGS TO ALLAY NEIGHBORHOOD FEARS, WORKS DIRECTLY WITH SPOKESPERSONS FOR ADVOCACY GROUPS, ASSISTS VICTIMS AND PARTICIPATES IN PREVENTION PROGRAM DEVELOPMENT. THIS UNIT ALSO ADVISES VICTIMS OF THE RECOURSE PROVIDED BY THE RALPH CIVIL RIGHTS ACT.

OUR TRAINING UNIT DEVELOPS CULTURAL RELATIONS TRAINING PROGRAMS, PREPARES APPROPRIATE TRAINING BULLETINS, ASSISTS FIELD TRAINING OFFICERS WITH RECRUIT TRAINING AND VERIFIES THAT TRAINING IS REFLECTIVE OF CHANGES IN THE COMMUNITY AND SOCIETY.

THERE WERE SOME INITIAL PROBLEMS. SOME OFFICERS WERE CONCERNED THAT WE WERE PROVIDING A HIGHER LEVEL OF SERVICE IN WHAT COULD BE PERCEIVED AS MINOR INCIDENTS THAN THAT PROVIDED TO THE COMMUNITY AS A WHOLE. THE PRIORITY 1 RESPONSE TO ALL CALLS CREATED A DILEMMA AND CONFLICT WHEN SERIOUS CRIMES OF VIOLENCE WERE OCCURRING AND OFFICERS WERE TIED UP WITH NON-LIFE THREATENING RRE INCIDENTS.

AS A RESULT, IN MARCH, 1988 WE MODIFIED OUR POLICY IDENTIFYING HATE CRIMES AND INCIDENTS. AN INCIDENT WAS REDUCED TO PRIORITY 2 RESPONSE. A WATCH COMMANDER WAS GIVEN DISCRETIONARY AUTHORITY TO PERMIT A LATE-REPORTED INCIDENT TO BE REPORTED BY PHONE IN LIEU OF OFFICER RESPONSE. WE ALSO INCLUDED SEXUAL ORIENTATION CRIMES AND INCIDENTS TO OUR POLICY. THAT DECISION SIGNIFICANTLY REDUCED SOME CONFLICT WE HAD EXPERIENCED.

I WILL LEAVE A COPY OF OUR POLICY AND TRAINING BULLETIN WITH YOUR STAFF PERSON. WE BELIEVE IT IS WORKABLE, BUT YOU SHOULD KNOW THAT IN USE IT IS LABOR INTENSIVE. MOST LAW ENFORCEMENT AGENCIES WITHOUT STAFF AUGMENTATION, AS IS THE CASE IN MOST JURISDICTIONS, WILL BE REQUIRED TO DEPRIORITIZE OTHER WORK.

IN-SERVICE TRAINING OF ALL PERSONNEL IS ESSENTIAL EITHER PRIOR TO OR IN CONJUNCTION WITH ESTABLISHING POLICY. IDEALLY, IT SHOULD BE ACCOMPANIED BY CULTURAL AWARENESS TRAINING. THIS POSES SOME DIFFICULTY BECAUSE THERE ISN'T THAT MUCH AVAILABLE AND WHAT IS THERE SHOULD FOCUS ON THE COMMUNITY AFFECTED.

#### INCIDENT HISTORY

SINCE 1986 AND THROUGH SEPTEMBER, 1989, USING A LIBERAL STANDARD, WE HAVE HAD 288 INCIDENTS IN CONCORD. IN 1986, A YEAR WHICH SAW RACIAL CONFLICT IN OUR CITY, 120 INCIDENTS WERE RECORDED. THOSE REPORTED

INCIDENTS DECLINED ON AN AVERAGE OF 20% ANNUALLY.

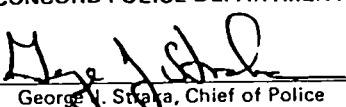
OF THE INCIDENTS REPORTED, 73% INVOLVED CRIMINAL ACTS. THE MAJORITY OF THE CRIMINAL ACTS WERE DISTURBANCES, 99 OR 47%. THE DISTURBANCE CATEGORY INCLUDED RACIAL SLURS WHICH COULD INCITE TO VIOLENCE. THERE WERE 20 FELONIOUS ASSAULTS AND 43 MISDEMEANOR ASSAULTS.

DURING THE SAME TIME WE ARRESTED OR CITED 46 PERSONS FOR INVOLVEMENT IN SOME TYPE OF RRE INCIDENT. THESE NUMBERS INCLUDED ADULTS AND MINORS. 20% OR NINE OF THE OFFENDERS WERE MINORS.

#### CONCLUSION

AFTER THREE YEARS, THE RRE POLICY IS ACCEPTED AND, I BELIEVE, EMPHASIZED BY OUR DEPARTMENT AND ITS PERSONNEL. THERE IS AN OCCASIONAL GRIPE, PARTICULARLY WHEN OVERALL SERVICE DEMANDS OVERWHELM OUR RESPONSE CAPABILITIES. MORE SIGNIFICANTLY, HOWEVER, THERE IS A HIGHER LEVEL OF SENSITIVITY TO THE IMPACT ON VICTIMS AS A RESULT OF HATE CRIMES AND INCIDENTS. I ALSO BELIEVE TRUST LEVELS WITH OUR MINORITY COMMUNITIES HAVE INCREASED. WE HAVE ALSO BEEN ABLE TO IDENTIFY AREAS WHERE NUMBERS OF INCIDENTS REFLECT A POTENTIAL NEED FOR INTERVENTION BY THE HUMAN RELATIONS COMMISSION OR THE NEED FOR PUBLIC EDUCATION.



  
George J. Straka, Chief of Police

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**RESPONSE TO RACIAL, RELIGIOUS, ETHNIC AND SEXUAL ORIENTATION COMPLAINTS**

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**A. GENERAL**

1. This General Order establishes a policy and department procedure for handling crimes and incidents that were motivated by hatred or prejudice arising from differences in race, religion, ethnic background, culture or sexual orientation (R/R/E/S). See Training Bulletin, Volume VII, Issue 27, for additional guidelines.
2. City Council Resolution 86-29 resolved that the City of Concord will not tolerate the evils of racism, violence and bigotry, and Council has also resolved that a high priority for investigation and resolution of crimes involving racism and prejudice shall take place.
3. The Department shall support maximum prosecution of those who are apprehended for such criminal offenses.

**B. POLICY**

1. It is the policy of the Concord Police Department to ensure that rights guaranteed by State laws and the U. S. Constitution are protected for all people regardless of their race, color, ethnic background, religion or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all available steps to identify responsables of criminal offenses, arrest them and bring them before the Courts.
2. All criminal offenses of violence, intimidation or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and an investigation shall be considered high priority. Such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.
3. All reported incidents that are non-criminal (short of a criminal offense) that were motivated all or in part by race, ethnicity, religion and/or sexual orientation shall be documented by a police report. An administrative follow-up and disposition will be made on appropriate incidents by the Community Relations Unit.

**C. DEFINITIONS**

1. R/R/E/S - Refers to race, religion, ethnic background, and sexual orientation.
2. A reportable crime is any act or attempted act to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by race, ethnic background, religion, and/or sexual orientation.
  1. Committed acts having criminal sanctions are considered "hate crimes". Types of crimes could include threatening phone calls, hate mail, physical assaults, verbal abuse, vandalism, cross burning, fire bombing, etc.

- .2 A common sense approach should be taken toward this definition. If it appears the crime was motivated by race, religion, ethnic background or sexual orientation, it shall be reported under criteria established by this Order. Motivation is the key element in determining if a crime is racially, religiously, ethnically or lifestyle based.
3. A reportable incident is any non-criminal act directed at any person or group based upon race, religion, ethnic background, or sexual orientation.
  - .1 The approach should be: Is this an incident that has potential to reoccur and escalate into a criminal offense? Have there been civil rights violations as enumerated in California Civil Code Section 51, 51.5, 51.7, or 52 which deal with discrimination, intimidation, personal rights and civil damages? See Training Bulletin V, Volume VII, Issue 27, for excerpts of these sections.
4. "Sexual orientation" means the direction of sexual, emotional, and/or physical attraction and preference, which may be primarily towards persons of the opposite sex (heterosexuality), primarily towards persons of the same sex (homosexual), or towards both in some proportion (bisexuality). For the purpose of this General Order and Training Bulletin, sexual orientation shall apply to crimes or incidents based upon homosexual or bisexual orientation.

#### D. PROCEDURE

1. The proper investigation of R/R/E/S crimes or incidents is the responsibility of all Concord Police Officers and employees. Each employee must be sensitive to the feelings, needs, and fears that may be present in the community as a result of acts of this nature. The primary personnel responsible for investigating these types of crimes or incidents are:
  - .1 Uniform Division - Preliminary investigation of crimes or incidents, evidence collection, and, where appropriate, the arrest of the responsible;
  - .2 Investigation Division - Follow-up investigation of crimes, arrest of responsible, filing of criminal complaints, and intelligence analysis;
  - .3 Administrative Services Division - Community liaison, resolution of appropriate non-criminal R/R/E/S incidents, records maintenance, and appropriate Department and public training.

#### E. RESPONSIBILITIES

1. All R/R/E/S crimes are priority 1 calls and shall require dispatch of a patrol officer to the scene, unless the complainant specifically requests that an officer not respond. In that case, the call shall be dispatched to an officer, who shall make a phone call to the complainant for details of the report. All R/R/E/S incidents are priority 2 calls and shall require dispatch of an officer to the scene as soon as practical. Response alternatives to priority 2 R/R/E/S incidents can be modified by the Watch Commander as appropriate.

- .1 When the assigned officer arrives on the scene and determines that the crime or incident may be R/R/E/S motivated, s/he shall:
  - .01 Request a field supervisor;
  - .02 Protect the crime scene and evidence;
  - .03 Stabilize the victim;
  - .04 Apprehend the responsible (if applicable);
  - .05 Conduct a preliminary investigation, including neighborhood survey for witnesses when appropriate;
  - .06 Provide assistance to the victim and refer to the appropriate legal or service agency;
  - .07 Collect and process evidence if the I.D. unit is unable to respond;
  - .08 Complete an Offense Report, with case number, and code for later identification and retrieval consistent with Departmental Procedure No. 55.
    - .001 In Box 1, enter the number 1 if the crime or incident is suspected but not confirmed to be R/R/E/S motivated. Enter the number 2 if there is evidence the crime or incident is R/R/E/S motivated but does not involve a verbal confrontation or physical attack. Enter the number 3 if the R/R/E/S crime or incident involves a verbal confrontation or physical attack.
    - .002 Enter "R/R/E/S" in Box 2 if the crime or incident appears to be racially, religiously, ethnically or sexual orientation based.
  - .09 Complete your report with supervisor approval prior to completing your tour of duty. Direct copies to the Uniform and Investigation Divisions Commanders.
2. Patrol Field Supervisor
  - .1 Upon arrival at the scene of an R/R/E/S crime or incident shall:
    - .01 Interview the officer receiving the complaint;
    - .02 Verify that the crime or incident is an R/R/E/S;
    - .03 Determine if additional personnel are necessary and ensure that evidence collection occurs if available;
    - .04 Take steps to ensure that the situation does not escalate;
    - .05 Assist in stabilization of the victim;
    - .06 Supervise the preliminary investigation;

- .07 Assure the victim that a total investigation will be conducted;
  - .08 Ensure that all physical remains of the crime or incident are removed after processing is completed. If the remains cannot be removed (i.e., paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
  - .2 Notify the Watch Commander or senior Supervisor on duty.
  - .3 Ensure that all reports are properly completed and submitted prior to the end of your tour of duty.
  - .4 Provide for increased patrol in the area for as long as necessary, but at least several days following the crime or incident.
  - .5 Identify training needs relative to R/R/E/S crimes or incidents.
3. Watch Commander
- .1 After being notified of an R/R/E/S crime or incident, the Watch Commander shall:
    - .01 Immediately report to the scene if the crime or incident is determined to be serious;
    - .02 Notify appropriate persons or units such as CDO, Investigations, etc., depending upon nature and seriousness of the crime or incident;
    - .03 Ensure that the Chief of Police is notified of serious crimes or incidents;
    - .04 Determine whether press releases should be made or press information officer notified.
  - .2 Review all reports completed by patrol officers and/or field supervisor prior to their submission.
    - .01 Notify Chief of Police, Division Commanders, and Investigations Lieutenant through the computerized mail mask with a brief synopsis of the crime or incident, including case number. Have a copy of the message printed;
    - .02 Direct surveillance and other appropriate activities to locate/identify suspects/responsibles and/or evidence.
4. Investigations
- .1 Investigations Division Commander shall:
    - .01 Receive copies of all R/R/E/S Incident and Crime Reports and verify that a cross-referenced separate file is established and maintained;
    - .02 Verify that an immediate follow-up investigation is assigned and conducted by the appropriate unit;
    - .03 Coordinate the investigation with interdepartment units and outside agencies when appropriate;

- .04 Keep the Chief of Police informed of status of current investigations; submit monthly and annual reports relative to total number of crimes and incidents, types, resolution, and any patterns identified;
  - .05 Collect and collate R/R/E/S reports for presentation to appropriate City bodies reviewing these incidents;
  - .06 Maintain contact with community leaders when appropriate and keep them advised of the status of investigation;
  - .07 Ensure that symbols or remains of the crime or incident that have not been removed at the time of patrol intercession are removed or covered. In the case of writing or symbols on privately-owned property, attempt to encourage the property owner to remove same;
  - .08 Immediately inform the Chief of Police of any patterns developing in R/R/E/S crimes or incidents.
- 2 Assigned Investigator shall:
- .01 Check an extended neighborhood area to identify and interview witnesses when appropriate;
  - .02 Coordinate investigative work with the Identifications unit;
  - .03 Conduct surveillance and other appropriate techniques to identify and apprehend perpetrators when appropriate;
  - .04 Coordinate victim assistance with appropriate legal or service agency;
  - .05 Maintain liaison with original reporting officer and keep him or her apprised of the status of the case;
  - .06 Keep the victim informed through personal contact regarding case status;
  - .07 Prepare case for prosecution in Court and provide testimony.
- 3 Intelligence shall:
- .01 Assist in both investigations and prevention of R/R/E/S incidents and crimes by providing appropriate information to Patrol and Investigations Units;
  - .02 Review all reports of R/R/E/S crimes or incidents with related analyses to detect patterns, suspects, or the participation of organized groups;
  - .03 Maintain liaison with Federal, State, local, and private intelligence agencies and, where appropriate, exchange information;
  - .04 Notify Chief of Police, Division Commanders, and Watch Commanders of patterns or anticipated movement of hate groups.
5. Crime Prevention/Community Relations shall:
- .1 Perform appropriate administrative follow-up investigations to resolve non-criminal incidents that were motivated by R/R/E/S.

- .2 Conduct public meetings, meet with neighborhood groups, residents in target areas, and other groups to allay fears, reduce the potential for counterviolence, and provide safety and protection information;
  - .3 Assist victims and their families when appropriate;
  - .4 Establish liaison with formal minority organizations and leaders;
  - .5 Provide preventive programs, such as anti-hate seminars for school children.
6. Training Unit shall:
- .1 Include human and cultural relations training programs in both in-service and advanced officers training programs;
  - .2 Use minority and community leaders' input for development of training programs;
  - .3 Prepare training bulletins relating to cultural and human relations subjects;
  - .4 Ensure that all officers attend assigned cultural and human relations in-service courses. Those failing to attend shall be identified to appropriate Division Commanders and remedial training provided;
  - .5 Review and revise training programs to reflect changes in the community and in society;
  - .6 Assist Field Training Officers in development of appropriate recruit training.



# TRAINING BULLETIN

CONCORD POLICE DEPARTMENT

GEORGE J. STRAKA, CHIEF OF POLICE

Volume VII Issue 27

Date 9/1/86 (53)

Revised 5/1/88 (53)

## RESPONSE TO RACIAL, RELIGIOUS, ETHNIC, OR SEXUAL ORIENTATION COMPLAINTS

### INTRODUCTION

As General Order #61 and City Council Resolution 86-29 have indicated, we must actively pursue investigations of racially or prejudicially motivated cases. In doing so, we assure the community that racism, violence, and bigotry will not be tolerated. This training bulletin is intended as an extension of General Order #61 providing guidelines to identify and investigate reportable crimes and incidents and the appropriate criminal and civil codes involved.

### DEFINITIONS

**RRES** - Refers to race, religion, ethnic background, and sexual orientation.

A reportable RRES crime is any act or attempted act intended to cause physical injury, emotional suffering, or property damage which is or appears to be motivated, all or in part, by race, religion, ethnic background or sexual orientation.

A reportable RRES incident is any non-criminal act directed at any person or group based upon race, religion, ethnic background, or sexual orientation.

Motivation - Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

Race - Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc., that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of variable traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - Means the direction of sexual, emotional, and/or physical attraction and preference which may be primarily towards persons of the opposite sex (heterosexuality), primarily towards persons of the same sex (homosexuality), or towards both in some proportion (bi-sexuality). For the purpose of General Order #61 and this training bulletin, sexual orientation shall apply to crimes or incidents based upon homosexual or bi-sexual orientation.

#### CRITERIA FOR REPORTING R/R/E/S CRIMES OR INCIDENTS

The following criteria are to be used in determining whether or not an act is of a racial, religious, ethnical background or sexual oriented nature. The list is not all-inclusive. Some acts may not clearly fit a specific definition. In those cases, a common-sense approach must be used: If it looks like the act was motivated by racial, religious, ethnic, or sexual orientation bias, it should be reported as such. Verification can be made later in the investigation.

Any criminal act which is directed at any person(s) because of their race, religion, ethnic background, or sexual orientation involving any of the following:

Burning cross or religious symbol,

Explosives,

Bomb threats,

Destroying, injuring property of another,

Assault,

Disorderly conduct,

Interrupting or disturbing religious meetings,

Possession of firearm in proximity of public demonstration.  
For specific penal or civil code sections, refer to page 6.

Unlawful use of the telephone.

No person shall be convicted of violating a person's civil rights under 422.6(a) P.C. based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person or group and that the defendant had the apparent ability to carry out the threat.



Any non-criminal act directed at an individual group due to race, religion, ethnicity, or sexual orientation which, while not criminal, is done with the apparent intention to:

1. Harass
2. Intimidate
3. Threaten
4. Retaliate
5. Create racial, religious, or ethnic conflict.

The key criterion in determining whether these offenses fit into the definition of an act of racial, religious, ethnic, or sexual oriented bias is the motivation behind the act.

Reports of such incidents are taken because there is potential for reoccurrence and/or escalation into a criminal act. Have there been civil rights violations as enumerated in California Civil Code Sections 51, 51.5, 51.7, or 52? (see pages 5 and 6)

#### VICTIM ASSISTANCE

This department has taken the approach that the unique nature of these crimes and incidents requires special handling from our agency. We feel an obligation not only to investigate the criminal offenses and incidents but to recognize and react in a positive manner to the emotional trauma experienced by the victims, families, and citizens of the community who have witnessed/suffered such incidents or crimes.

There is to be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma and fear.

Thus, officers should:

- Approach victims in an empathic and supportive manner. Demonstrate concern and sensitivity.
- Attempt to effectively calm the victim and reduce the victim's alienation.
- Reassure the victim that every available investigative and enforcement tool will be utilized by the police to find and prosecute the person(s) responsible for the crime.
- Consider the safety of the victim(s) by recommending and providing extra patrol, and/or providing prevention and precautionary advice.

- Provide referral information such as counseling and other appropriate public support and assistance agencies.
- Advise the victim of criminal and civil options.

#### VICTIM REFERRALS

The following organizations/agencies provide assistance to victims of racial, religious, ethnic, or sexual orientation crimes or incidents.

Housing Alliance of Contra Costa County  
 1583 Galindo Street, Concord 825-4663  
 Services: Counseling and Investigation of Complaints  
           in Housing Discrimination.  
 Fee: None Hours: 8:00 - 5:00 M - F

Contra Costa County Probation Office -  
Victim Assistance Unit 646-5354  
 Fee: None Hours: 8:00 - 12:00 & 1:00 - 5:00 M - F

Personal Crisis Line/Community Resource Center  
 1850 2nd Avenue, Walnut Creek (24 hours) 827-2111  
 Services: Referrals and Emotional Support by  
           Telephone Only  
 Fee: None Hours: 7/days week 24 hours/day

Care Center  
Telephone Only: (24 hours) 287-CARE  
 Services: Listening to Problems; Emotional Support &  
           Advice  
 Fee: None Hours: 8:00 - 5:00 M - F

Center for New Americans  
 1135 Lacey Lane, Concord 798-3492  
 Services: To assist refugees and immigrants of all  
           nationalities to adjust to the American culture.  
 Fee: None Hours: 8:00 - 5:00 M - F

Black Families Association  
 P. O. Box 21481, Concord 825-9254  
 Services: To provide information and assistance to Black  
           residents of Concord.  
 Fee: None Hours: Every day 8:00 a.m. - 10:00 p.m.

United Council of Spanish Speaking Organizations  
 518 Main Street, Martinez 229-1600  
 Services: Assistance to Hispanics  
 Fee: None Hours: 8:00 - 5:00 M - F

Concord Human Relations Commission

1950 Parkside Drive, Concord

671-3150/671-3364

Services: Discrimination in housing, employment, school, etc., due to race, religion, ethnic background, age, or sexual preference. Referrals information.

Fee: None Hours: 8:00 - 5:00 M - F

Anti-Defamation League of B'nai B'rith

121 Steuart St., Suite 401, San Francisco

Services: Resolution of discrimination complaints; race relations, education, policy-community relations; monitors extremist groups.

Fee: None Hours: 8:00 - 5:00 M - F

Diablo Valley Metropolitan Community Church

2253 Concord Blvd., Concord

827-2960

Services: Counseling & Support for Gays and Lesbians.

AIDS Counseling - 686-3822

Fees: None Hours: 9:00 a.m. - 5:00 p.m. Mon.

1:00 p.m. - 5:00 p.m. T, W, TH, F

CALIFORNIA PENAL CODE SECTIONS

Besides the standard Penal Code sections that apply to crimes committed regardless of race, religion, ethnic background, or sexual orientation (i.e., 415, 242, etc.), the following Penal and Civil Code sections may apply:

422.6 P.C. Misdemeanor - Interference with exercise of civil rights because of the other person's race, color, religion, ancestry, national origin, or sexual orientation; damaging property

422.7 P.C. Felony - violation of civil rights under any of the following circumstances:

- a) The crime against the person of another either includes the present ability to commit a violent injury or causes actual physical injury.
- b) The crime against property causes damage in excess of one thousand dollars (\$1,000.00).
- c) The person charged with a crime under this section has been previously convicted of a violation of subdivision (a) or (b) of Section 422.6 P.C.

1170.75. PC Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin: aggravation of crime

1170.8 PC Arson, robbery, or assault in places of worship;  
aggravation of crime.

11411. PC Terrorism: Burning or desecration of religious  
symbols; placement or display of  
physical impressions:

11412. PC Threats obstructing exercise of religion

11413. PC Terrorism: Use of destructive device, explosive  
or commission of arson; places of  
worship, places or meetings  
involving abortion;

NOTE:

OFFICERS SHOULD ALSO ADVISE VICTIMS, WHEN APPROPRIATE, OF THE  
PROCEDURES OF SECURING HARASSMENT TEMPORARY RESTRAINING ORDER AND  
INJUNCTIONS PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE, SEC.  
527.6.

CALIFORNIA CIVIL CODE SECTIONS

51. CC Civil rights of persons in business establishments

51.5 CC Discrimination by business establishment prohibited

51.7 CC Freedom from violence or intimidation

52. CC Denial of civil rights or discrimination; damages;  
civil action by people or person aggrieved;  
intervention; temporary restraining orders

(e) Actions under this section shall be independent  
of any other remedies or procedures that may be  
available to an aggrieved party.

## ARRESTS - R.R.E.S. INCIDENTS

### 1986

1 WMA Malicious Mischief  
1 Iranian Male Adult Prowling  
1 BMA Auto Theft  
1 BMA Drunk in Public  
1 BMA Threatening a Public Officer/Resisting Arrest/  
Driving Under The Influence  
1 WMJ Juvenile Hall-Sexual Assault/Rape  
1 WFJ Juvenile Probation-Disturbing the Peace  
1 BMJ Juvenile Probation-Assault  
1 WMJ Juvenile Hall-Assault

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### 1987

1 WMA Disturbing the Peace  
1 WFA Assault & Battery  
2 WMJ Juvenile Hall-Assault With A Deadly Weapon  
1 WMA Assault & Battery/Disturbing the Peace  
1 BMA Referred to D.A.-Battery  
1 WMA Assault With A Deadly Weapon  
1 BMA Brandishing a Weapon  
1 BMJ Juvenile Hall  
1 WFA Assault With A Deadly Weapon

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### 1988

1 WMA Firearm On School Grounds  
1 WMJ Juvenile Hall-Battery & Name Calling  
1 WMA Citation Hearing-Disturbance of Peace/Brandishing Weapon  
2 WMA Malicious Mischief/Drunk in Public  
1 WFA Assault & Disturbing the Peace  
1 WMA Disturbing the Peace/Battery/Drunk in Public  
1 WFA Battery  
1 WMJ Juvenile Hall-Disturbing the Peace/Racial Slurs  
1 WMA Brandishing a Weapon/Disturbing the Peace  
1 Eurasian Female Juvenile Referred to Probation-  
Assault/Disturbing the Peace  
1 WMA Brandishing a Weapon  
2 WMA Interference with Civil Rights (Force or Threat)

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1989 - (January thru September)

1 OMJ        Referred to Juvenile Probation-Assault  
1 Hawaiian Male Adult    Assault  
1 WMA        Drunk in Public  
1 BMA        Brandishing A Deadly Weapon/Battery  
1 WMA        Assault/Disturbing the Peace  
3 BMA        Disturbing the Peace/Failure to Leave Business Premises  
             After Being Notified by Owner  
1 WMA        Assault With A Deadly Weapon  
1 MMA        Assault  
1 WMA        Assault  
1 WMA        Disturbing the Peace  
1 WMA        Disturbing the Peace/Battery

RACIAL INCIDENT STATISTICS - 1989

Month	Total # Cases Reported	242	245	288	415	417	594	647f	653m	Misc.	Susp. Circ.	Other	Hate Lit.	Unfd.	Sexual
Jan	7	3	1		2				1						
Feb	2	1							1						(2)
Mar	2	1							1						
Apr	5	2			1		1		1						(1) 653
May	5	2			1		1			1			(1)		(1) 242
Jun	5	2			2				1						
Jul	2				1		1								
Aug	3	1				2									
Sep	2	1					1								
TOTAL	33	13	1		7	2	4		5	1					

RRES - INCIDENT STATISTICS - 1988

Month	Total # Cases Reported	242	245	288	415	417	594	647f	653m	Misc.	Susp. Circ.	Other	Hate Lit..	Unfd.	Sexual
Jan	3				1		1			1				1 (415)	
Feb	2	2												1 (242)	
Mar	7	2			2		2					1			
Apr.	5				3		1		1					1 (415)	
May	5				4				1						(1)653m
June	5	1			2		2								
July	5				1		4							2 (594)	
Aug.	6	1	1		1				2				1	1 (594)	(2) 653m (1)245
Sept.	6	1	1		1		3								
Oct.	5				2	1	1		1						
Nov.	5	1			1	1	1		1						(1) 242 (1) 653m
Dec.	5	2			1					1			1	1 (Mis)	(1) 242
TOTAL	60	10	2		19	2	15		6	2		2	2	(7)	(7)

60 Reported Cases  
-7 Unfounded  
 53 Net RRES Cases in 1988



RACIAL INCIDENT STATISTICS - 1987

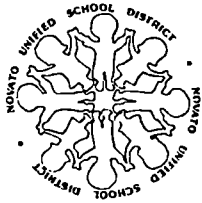
Month	Total Cases	242	245	288	415	417	594	647f	653m	Misc. Info.	Susp. Circ.	Extra Patrol	10851	Unfd.	Hate Lit. *
Jan	11	1			4		1			2	3				3
Feb	11	1	2		6					2					
Mar	6				3			1		1	1				2
Apr	12	2	1		7		2								
May	4	2			1					1					1
Jun	8	1	1		3		1		1	1					1
Jul	2				2										
Aug	3				2					1					
Sep	2	1			1										
Oct	4	2			2										
Nov	5	1	1		1		2								
Dec	7		3		1	1	1			1					1
TOTAL	75	11	8		33	1	7	1	1	9	4				(8)

\*Distribution of hate literature is included in the Misc. Info./Susp. Circ. Classifications.

RACIAL INCIDENT STATISTICS - 1986

Month	Total Cases	242	245	288	415	417	594	647f	653m	Misc. Info.	Susp. Circ.	Extra Patrol	10851	Unfd.	Hate* Lit.
Jan	9	1	3				3		1			1			
Feb	12				3	1	4			1	1	1		1	
Mar	3		1				1	1							
Apr	13	1	1		4					7					1
May	6	1			2		1			2					
Jun	10	2	1		4	1			1	1					
Jul	18		1		7		3			3	4				2
Aug	24	1		1	10		5	1	1	4	1				2
Sep	11				5		3			2	1				
Oct	3	3													
Nov	5		1		1		1		1		1				
Dec	6				4	1	1								
TOTAL	120	9	8	1	40	3	22	2	4	20	8	2	0	1	(5)

\*Distribution of hate literature is included in the Misc. Info./Susp. Circ. classifications.



# NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH STREET • NOVATO, CALIFORNIA 94945 • (415) 897-4201

October 6, 1989

Dan M. Thompson  
Superintendent

Cynthia M. LeBlanc, Ed.D  
Assistant Superintendent  
Personnel & Administration  
897-4221

TO: Msgr. William J. Barry, Chairperson  
Commission on Racial, Ethnic, Religious, and Minority Violence

FROM: Ms. Kerry Mazzoni, Member, Board of Trustees, Novato Unified  
School District

Novato is a middle class suburban community of approximately 50,000 residents located in Marin County, 25 miles north of San Francisco. The Novato Unified School District has eight elementary schools, two middle schools, two high schools, one continuation high school, one independent study K-12 school, and an enrollment of close to 8,000 students. Of the students, 86.08% are Caucasian, 2.94% are Black, 4.36% are Latino, 3.22% are Asian, and .09% are Native American. The District has over 900 employees of which 92.79% are Caucasian, 1.86% are Black, 2.08% are Latino, 2.3% are Asian, and .77% are Native American. A continuing goal of the District is to increase the ethnic and racial representation of its employees (see Attachment #1). To accomplish this, certificated and management vacancies are advertised and posted in a number of newspapers, journals, agencies, etc. District administrators make it known at conferences, professional meetings, and social gatherings that Novato is actively recruiting non-white applicants. Districts initiating layoffs are contacted as well as colleges and universities. Personal contact is made with potential applicants who are encouraged to apply.

The Novato Unified School District has had a long-standing commitment to teach students respect and tolerance for racial and ethnic diversity. Ways in which the district has addressed this commitment include the "Green

*"An Equal Opportunity Employer"*

#### BOARD OF TRUSTEES

I. Barrett, Mabel W. Croughan, Alan S. Harris, Kerry Mazzoni, Jeffrey P. McAlpin, John F. McCarthy, Laurie S. Sievenpiper

Circle", a program which deals with differences between people such as race and handicap; holiday celebrations which explore multi-cultural expressions; the teaching of critical thinking skills which foster broader acceptance of individual differences; a Global Education team, comprised of at least one representative from each school that meets monthly to discuss issues such as conflict and conflict resolution; attendance by teachers at workshops such as those sponsored by the Anti-Defamation League; problem-solving skills taught through cooperative learning strategies; a Board policy on multi-cultural education (see Attachment #2); and, finally, the District's long-range educational plan for all schools that strengthens commitment to the student outcome of human interaction (see Attachment #3).

Despite these efforts, there still seems to be a critical need to do more. Over the past two years, the number of complaints regarding racial harassment seems to have increased. Although we have no hard data to substantiate this nor do we have data to determine how pervasive a problem this is for the Novato Unified School District, we do know of parent complaints to administrators, principals, and teachers; accident reports; and alleged incidents reported in requests for transfer to other schools. Incidents of insensitivity and intolerance, including racial and ethnic slurs, have been reported. For example, the practice of "slave day" at the high schools and the publishing in school newspapers of articles that contain negative ethnic stereotyping. To address these specific examples, the District's Affirmative Action Committee has sent letters to the schools and people involved requesting their cooperation in changing those practices (see Attachment #4). Teachers have also reported an increase in racial and sexist graffiti at school sites and that their professional training has not included strategies for dealing with incidents of intolerance among students. Consequently, problems have been ignored rather than dealt with effectively. Finally, the level of administrator training in this area is unknown.

Although racism most certainly exists in Novato, outside of some isolated incidents, the Novato Unified School District has never considered racism a problem with the exception of a time about ten years ago when incidents of racial harassment in the community and in the schools were reported. Because of these incidents, a group of Black parents formed an organization to support scholarship and improve the educational experience of their children. This organization has remained a viable parent group ever since. Their concerns were taken seriously and general improvement was seen over the years.

Present concerns regarding growing racism in the schools were brought to the Board of Trustees in November, 1988 when parents requested a program to counsel students who had experienced racial slurs and discrimination. The Board referred the issue to staff and the District's Affirmative Action Committee. As a result of that action, one of these parents became a member of the Affirmative Action Committee and a program designed to help children deal with differences was implemented at one elementary school. That program failed for a variety of reasons. First, the local newspaper, in attendance at the November Board meeting where parental concerns were discussed, released an article which put the school in an unfavorable light. This occurred prior to any opportunity the District or the local school site had to thoroughly address the problem. As a result, there was a negative impact on the school. The teachers felt defensive that accusations of racism had been levied against them and they did not feel involved in any problem-solving process. To compound an already difficult situation, the trainers of the program did not deal with this defensiveness and therefore, had little "buy-in" by those who were the most important element for the successful implementation of the program, the teachers. I wish to emphasize this point and stress the importance of the community and the site attitude in the

implementation of a successful program. I also want to stress the very important role that the media plays in effecting attitudes and resolutions of such problems.

Unfortunately, the issue of racism in Novato schools was still not adequately addressed. The Concerned Parents Association met with the Superintendent, and they came to the Board again in May, 1989. The Board responded in much the same way as they had before, commenting on the unacceptability of racial harassment in the schools and again referred the issue to staff and the Affirmative Action Committee. Concurrently, a group of Latino parents, whose children were the subject of racial harassment, had organized a meeting for parents. Out of that meeting three concerns were expressed: first, a need for principals to be trained in dealing with incidents of racial harassment; second, some of the content of the instructional program seemed to perpetuate stereotypical attitudes as they relate to cultural diversity; and third, a uniform discipline policy was needed. In an effort to make their concerns heard, a coalition of Black, Asian, and Latino parents was formed.

Aware of this coalition, two Board members decided to take a proactive role in addressing what seemed to be a growing problem. A discussion item on approaches to help staff and students deal more effectively with the diversity of Novato students was placed on the Board agenda.

As a result of this discussion, the Board moved a number of specific items:

- 1) The Board would adopt a discipline policy which would make clear that the Novato Unified School District would not tolerate racial or ethnic slurs or verbal attacks based on mental or physical handicap and which would outline uniform consequences for violation of the policy.

- 2) A staff development program for principals and managers, because they are

the leaders in promoting a positive climate on school sites, would be initiated in the fall of 1989.

3) The Board would state a strong commitment to multi-cultural education through implementation of the new English Language Arts and Social Studies curricula.

4) The Board, through its budget process, would allocate additional funds to the human interaction component of the District's long-range educational plan and to the District's Affirmative Action Committee.

5) Because the Affirmative Action Committee had multiple goals other than promoting human awareness activities, a task force would be appointed by the Board with the single goal of recommending a broad program to help staff and students deal more effectively with the diversity of students in the District. Recommended members of the task force would be the Assistant Superintendents; the Affirmative Action Officer; representatives from the teachers' union, the classified union, supervisors, principals, the Affirmative Action Committee, the instruction division; parents representing the major ethnic groups enrolled in Novato Schools; and an outside expert in the field.

6) The Board would adopt a specific complaint procedure to be followed in cases of alleged discrimination as well as a procedure for documenting such incidents.

The Board also, in response to recommendations from the Affirmative Action Committee, allocated additional funds for the recruitment of minority teachers to meet the District's goals of affirmative action. Other recommendations from the Affirmative Action Committee have also been implemented. These include the elimination of the ethnic code from student locator cards at the secondary schools, revision of the Black History section

of the Holiday Handbook, and inclusion of a representative of the Affirmative Action Committee on District textbook selection and curriculum committees.

Dealing with the issues of racism has become a priority of the Novato Unified School District. Recently, a number of teachers attended the Title IV conference on Equity and Achievement of the New Student Majority, and more will attend the same conference in the spring. The District is also working closely with the Marin County Human Rights Resource Center and serving on its committees. We have embarked on a process which we hope will eliminate racism in our schools and I hope that this testimony helps your assessment of the nature and incidents of hate violence and how schools are working to address this problem.



NOVATO UNIFIED SCHOOL DISTRICT

TO: Board of Trustees  
FROM: Caryl Callsen, Affirmative Action Officer  
RE: 1988-89 ANNUAL REPORT  
DATE: October 10, 1989

The Novato Unified School District has had an active Affirmative Action Advisory Committee since 1975. The initial goals of the committee were established to attain an affirmative action program that promoted the full realization of equal employment opportunity in the district. Within a few years, these goal were expanded to include the promotion of human awareness programs in the schools.

Current board policy states that the goals of the affirmative action program shall be to:

- A. Attain an equitable distribution of males and females in all categories of employment.
- B. Achieve an ethnic/racial representation among employees in all categories which reflect the ethnic/racial composition of our society.
- C. Assure that all applicants will be screened, hired, and promoted only with respect to factors which are directly related to job requirements.
- D. Provide for an active recruitment program to attain these goals.
- E. Promote human awareness activities in the schools.

The 1988-89 school year was a busy and productive one for the Affirmative Action Advisory Committee. In the 1987-88 Annual Report, a statement was made that attendance at meetings had been a problem that year. This was not the case this past year. Attendance was much better. Whereas in 1987-88 we averaged seven attendees per meeting, in 1988-89, the average attendance was 11 people. We hope to continue to improve that and have some additional active and interested members for the coming year.

Following is a more detailed report on the activities and accomplishments of the committee and the district relative to the goals of the affirmative action program.

GOALS A & B

Attain an equitable distribution of males and females in all categories of employment.

Achieve an ethnic/racial representation among employees in all categories which reflect the ethnic/racial composition of our society.

The major concerns of the committee and the district in the most recent years has been in the ethnic/racial representation among employees, not the male/female distribution. In 1986-87, the board approved 5 year quantifiable goals for the ethnic composition of our employees. Attached is Appendix A which shows how the district is doing in reaching these goals. It is apparent that significant progress has not been made.

Appendices B and C show the ethnic distribution of staff at each site as compared to students in both actual numbers and percentages. This year was the first year in many that the committee has looked at these particular statistics. They will be disseminated to the principals and made available to teachers and parents.

#### GOAL C

Assure that all applicants will be screened, hired, and promoted only with respect to factors which are directly related to job requirements.

Appendix D shows hiring statistics for a thirteen month period ending June 30, 1989. This is the first year we have compiled the number of interviewees as well as applicants and hirees. One of the flaws in this report is that we receive many applications from people who do not fill out an ethnic card (particularly for management and certificated positions). Completing the ethnic card is optional for all applicants, however we will attempt to increase the completeness of these statistics by at least asking everyone who is selected for an interview to fill out the card.

#### GOAL D

Provide for an active recruitment program to attain these goals.

The personnel department took some additional proactive steps this year to attempt to increase the number of non-white applicants.

Certificated and management vacancies were advertised and posted in a much larger number of newspapers, journals, agencies, etc. District administrators made it known at conferences, professional meetings and even social gatherings that Novato is actively recruiting non-white applicants. Districts initiating layoffs were contacted to see if those receiving layoff notices would be interested in coming to Novato. Local colleges and universities were contacted. In addition, potential applicants were personally contacted and encouraged.

These were positive steps, but an even greater effort must be made if we are to achieve a more representative ethnic/racial balance of our employees.

#### GOAL E

Promote human awareness activities in the schools.

The total budget for the Affirmative Action Advisory Committee was \$1,600 this past year. The following activities and purchases were supported by this allocation.

- Two videotapes were purchased for the Instructional Materials Center: "How We got the Vote," an excellent tape on the womens' suffrage movement; and "See Dick & Jane Lie, Cheat, and Steal," a report of various educational programs that teach values to students. Methods of informing and reminding teachers of the materials available in the I.M.C. are being established by the Coordinating Librarian.
- Two people were sent to the Womens History Project conference, "A Woman's Place is in the Curriculum"--Jean Mumma, an early retiree consultant in 1988 and Lois Gockel, a Novato High School Social Studies teacher in 1989. The committee hopes these people will be considered when forming the Social Studies Curriculum committee.

- 1989 Womens' History Month posters were purchased for display at every school.
- Black History Month activities at Sinaloa Middle School were partially paid for out of Affirmative Action funds.
- Pleasant Valley school requested funds to train teachers and yard supervisors in multicultural awareness. The committee agreed to pay for the first two sessions of a six session training program and evaluate its effectiveness before continuing with the rest of the program. The program was discontinued after the two sessions due to staff dissatisfaction.

In addition, one entire meeting was devoted to a report by the Instruction Division followed by a discussion on how multicultural awareness is addressed in the curriculum presently and what the plans are for the future.

Several committee members attended "A World of Difference" workshops.

#### OTHER COMMITTEE ACTIVITIES

The committee became much more proactive this year in addressing issues and concerns that were brought to the committee's attention.

- A letter was sent to the Student Body President at San Marin High School calling for the abolishment of "Slave" or "Tolo" Day.
- The committee requested and action was taken to eliminate the ethnic code from student locator cards at the secondary schools.
- Articles in San Marin student newspapers that had apparent racial/cultural slurs were discussed. The committee intends to write a letter to the journalism teacher and class and would like copies of all student newspapers in the future.
- Support from the committee was expressed for the revision of the Black History Section of the Holiday Handbook.
- The committee meetings served as a place to give and receive information on programs, concerns, complaints, activities, public hearings, etc. Community members who were not voting members of the committee often attended meetings.
- The committee reviewed Board policies on Affirmative Action and Non-discrimination. Recommendations were made to change the Affirmative Action policy and are specified in this report under Recommendations.

#### RECOMMENDATIONS

Some of the recommendations the committee was going to make in this report will not be necessary, thanks to the recent actions taken by the Board. The creation of a task force to recommend a program to help staff and students deal more effectively with the diversity of our student population was discussed at our meetings and would have been a goal for the coming year. Staff development for administrators and the amendments to policies and rules and regulations are also seen by the committee as positive steps toward handling racial/ethnic slurs and other verbal abuse at the schools.

However, the committee is making additional recommendations which could further enhance the effectiveness of the Affirmative Action Program.

- Amend the Affirmative Action Policy (#10100) as per the attached Appendix E. Recommended changes are underlined. The first change is part of the policy itself--to include sexual orientation as a reason not to discriminate against in employment. Other changes in the regulations concern membership on the committee, functions, and dissemination of information.
- Increase district recruitment efforts.
- A representative of the Affirmative Action Advisory committee be included on textbook selection and curriculum committees.
- High Schools send copies of their student newspapers to the committee.
- The committee should get periodic reports on discrimination complaints received by the schools and the outcomes of investigations.

Committee Members

Louise Morris, Management  
Lois Moore, Certificated  
Bruce Polhman, Certificated  
Martha Jackson, Classified  
Jean Mumma, Community  
Pauline Stuber, Community

Pat Warren, Community  
Aubrey Cooper, Community  
Genna Mims, Community  
Karna Hughes, Student  
Erica Silver, Student  
Carly Callsen, Affirmative Action Officer

EMPLOYMENT REPORT  
As of August 15, 1989

	<u>NA</u>	<u>AS</u>	<u>FI</u>	<u>HI</u>	<u>BL</u>	<u>WH</u>
<u>GOALS</u>	.4%	4.6%	.6%	4.9%	4.0%	85.5%
<u>MANAGEMENT</u> (includes supervisors/confidential)						
86-87	0	2.6%	0	5.3%	0	93.0%
87-88	0	0	0	2.7%	5.4%	92.9%
88-89	2.5%	0	0	2.5%	2.5%	92.5%
<u>CERTIFICATED</u>						
86-87	0	2.6%	0	2.3%	1.5%	93.6%
87-88	0	2.1%	0	2.8%	1.5%	93.6%
88-89	0	2.1%	0	1.6%	1.3%	94.9%
<u>CLASSIFIED</u>						
86-87	2.0%	2.0%	0	4.0%	2.0%	90.1%
87-88	2.0%	3.7%	.3%	7.1%	2.5%	84.5%
88-89	1.6%	2.8%	.3%	4.1%	2.6%	88.7%

pg

ETHNIC  
8/16/89

ETHNIC DISTRIBUTION by SITE (Actual #'s)  
As of August 8, 1989

	<u>AS</u>	<u>BL</u>	<u>FI</u>	<u>HI</u>	<u>NA</u>	<u>PI</u>	<u>WH</u>	<u>UN</u>
HAMILTON Students Staff	2 1	31 4	1	15 1	1	2	552 73	57
LOMA VERDE Students Staff	8 1	18 1		23		1	246 39	8
LU SUTTON Students Staff	17 2	8		21		6	352 56	18
LYNWOOD Students Staff	2 2	24		32		7	324 39	4
OLIVE Students Staff	14 1	12		25 2		4	374 43	8
PLEASANT VALLEY Students Staff	11 1	12 1		9 1	2	6	426 38	1
RANCHO Students Staff	10 1	3 2		8 1		7	424 38	28
SAN RAMON Students Staff	21	9 1		18 1	1	11	424 49	11
SAN JOSE Students Staff	15 1	16 1		22 1	1 1	9	480 52	6
SINALOA Students Staff	19 4	14	1	18 1		3	519 53	4
NOVATO HIGH Students Staff	53 3	39 1		58 3	1	12	919 107	2
SAN MARIN HIGH Students Staff	53 1	17 2		50 3	1	11	905 86	2
NO. MARIN HIGH Students Staff	2	2		6			43 10	2
NOVA (Elem.) Students Staff		1		2			40 3	2
NOVA (Sec.) Students Staff	1	2		2		2	73 6	2

ETHNIC DISTRIBUTION by SITE (Actual #'s)

	<u>AS</u>	<u>BL</u>	<u>FI</u>	<u>HI</u>	<u>NA</u>	<u>PI</u>	<u>WH</u>	<u>UN</u>
BUSINESS OFFICE				1			14	
MAINT/OPERATIONS		2		1	1		34	
PURCH/WAREHOUSE					1		6	
PERSONNEL/PAYROLL SUPER. STAFF		1		1			9	
FOOD SERVICE				1	1		18	
INST. SERVICE	1			1			22	
I.M.C.							1	
TRANSPORTATION		1			2		17	
SPECIAL SERVICES	1						29	
LIBRARY CENTER	1						7	
<u>TOTALS</u>	<u>AS</u>	<u>BL</u>	<u>FI</u>	<u>HI</u>	<u>NA</u>	<u>PI</u>	<u>WH</u>	<u>UN</u>
STUDENTS	228	208	0	309	6	81	6101	155
STAFF	21	17	2	19	7	0	849	0

ETHNIC DISTRIBUTION by SITE (Percentages)  
As of August 8, 1989

[illegible]



ETHNIC DISTRIBUTION by SITE (Percentages)

	<u>AS</u>	<u>BL</u>	<u>FI</u>	<u>HI</u>	<u>NA</u>	<u>PI</u>	<u>WH</u>	<u>UN</u>
NOVA (Secondary) Students Staff	1.22	2.44		2.44		2.44	89.02 100.00	2.44

	<u>AS</u>	<u>BL</u>	<u>FI</u>	<u>HI</u>	<u>NA</u>	<u>PI</u>	<u>WH</u>	
BUSINESS OFFICE				7			93	
MAINT/OPERATIONS		5		3	3		89	
PURCHASING/WAREHOUSE					9		86	
PERSONNEL/PAYROLL SUPER. STAFF		9		9			82	
FOOD SERVICE				5	5		90	
INST. SERVICE	4			4			92	
IMC							100	
TRANSPORTATION		5			10		85	
SPECIAL SERVICES	3						97	
LIBRARY CENTER	13						88	

<u>TOTALS</u>	<u>AS</u>	<u>BL</u>	<u>FI</u>	<u>HI</u>	<u>NA</u>	<u>PI</u>	<u>WH</u>	<u>UN</u>
STUDENTS	3.22	2.94	0	4.36	.09	1.14	86.08	2.19
STAFF	2.30	1.86	.22	2.08	.77	0	92.79	0

## APPENDIX D

## ETHNIC DISTRIBUTION

## HIRING STATISTICS

June 1, 1988 - June 30, 1989

		AS		BL		FI		HI		NA		WH	
		M	F	M	F	M	F	M	F	M	F	M	F
<u>MGMT</u>													
	Appl	4	2	7	7	1	3	3	4	1	1	77	47
	Intr	1		4	5		1	1	1			1	23
	Hire											1	1
<u>ELEM</u>	<u>TEACHER</u>												
	Appl	0	1	2	3	0	0	1	2	0	0	8	58
	Intr				2				1			3	55
	Hire											1	3
<u>SECONDARY</u>													
	Appl	0	0	0	0	0	0	1	0	0	0	27	33
	Intr		1						1			19	20
	Hire											1	8
<u>OTHERS (Certificated)</u>													
	Appl	0	1	0	1	0	2	0	0	0	0	4	28
	Intr								3			4	31
	Hire												8
<u>AIDES</u>													
	Appl	0	3	0	0	0	0	0	3	0	1	1	84
	Intr		16						14		1	1	247
	Hire								1		1		17
<u>CLERICAL</u>													
	Appl	0	0	0	1	0	0	0	1	0	0	0	12
	Intr								2				
	Hire												2
<u>CUSTODIAL</u>													
	Appl	7	1	8	1	6	0	13	1	0	0	38	2
	Intr	8		6		2		8	5			33	9
	Hire	1										4	1
<u>FOOD SERVICE</u>													
	Appl	0	0	0	0	0	0	0	2	0	0	0	8
	Intr								1				6
	Hire												1
<u>TRANSPORTATION</u>													
	Appl	0	0	0	0	0	0	1	0	0	0	1	2
	Intr											1	2
	Hire											1	1
<u>MAINTENANCE</u>													
	Appl	1	0	0	0	1	0	4	1	0	0	23	2
	Intr			3				1				31	
	Hire											2	
<u>OTHER (Classified)</u>													
	Appl	0	1	0	0	0	0	0	0	0	0	3	30
	Intr											3	9
	Hire												3

APPENDIX E

DRAFT - Includes recommendations made by Affirmative Action Advisory Committee, September 1989.

POLICY 10100

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MISCELLANEOUS

The Novato Unified School District is an equal opportunity employer. It provides and safeguards the equal opportunity for all persons to seek employment in the District without discrimination because of race, creed, color, sex, age, disability, religion, marital status, sexual orientation, affiliation with any employee organization, or national origin. Equal opportunity shall also extend to training, advancement, and retention in the District.

It shall be the policy of the Novato Unified School District to implement an affirmative action program. An affirmative action program is to actively promote the full realization of equal employment opportunity in the District.

The goal of the affirmative action program shall be to:

- A. Attain an equitable distribution of males and females in all categories of employment.
- B. Achieve an ethnic/racial representation among employees in all categories which reflect the ethnic/racial composition of our society.
- C. Assure that all applicants will be screened, hired, and promoted only with respect to factors which are directly related to job requirements.
- D. Provide for an active recruitment program to attain these goals.
- E. Promote human awareness activities in the schools.

The District shall have an Affirmative Action Committee to implement the above goals. The superintendent shall designate an affirmative action officer.

## NOVATO UNIFIED SCHOOL DISTRICT

### AFFIRMATIVE ACTION PROGRAM

#### Responsibilities and Duties:

##### A. Board of Trustees and Superintendent

The Board of Trustees and the Superintendent have the overall responsibility for ensuring affirmative action and equal employment opportunity in recruitment, assignment, promotion, retention, compensation, training, and for improving gender balance and representation of minorities, racial, aged, disabled, and ethnic groups in job classifications.

##### B. Affirmative Action Officer

The SUPERINTENDENT shall designate an Affirmative Action Officer, who shall be responsible directly to the Superintendent.

The Affirmative Action Officer shall be responsible for, but not necessarily limited to, the following functions:

1. Developing and implementing a districtwide affirmative action program which shall contain measurable, timely, relevant, and effective goals and timetables;
2. Identifying problems and recommending solutions to deficiencies;
3. Providing guidance to all administrative and supervisory staff on matters relating to the implementation of the affirmative action program;
4. Developing and monitoring procedures to determine progress being made toward achieving the established goals and timetables;
5. Developing and executing result-oriented programs and procedures designed to eliminate underutilization in all areas where underutilization exists;
6. Establishing procedures for continuing awareness of equal employment opportunities and providing information concerning the various local, state, and federal requirements for affirmative action;
7. Disseminating the districts's affirmative action policy, both internally and externally, including its dissemination to minority groups and women organizations;
8. Ensuring that all personnel procedures are job-related and do not adversely affect the opportunities of minorities and women;
9. Maintaining an active file of information on training institutions as possible recruitment resources for minorities and women;
10. Providing continuous staff development programs for continued personal development within the financial limitations of the district;

B. Affirmative Action Officer (continued)

11. Providing the Board of Trustees and Superintendent with annual reports as to the activities and progress of the program, and annual statistics detailing the racial, ethnic, and sex composition of district employees by job classification.
12. Establishing procedures for employee complaints of discrimination and having the authority to recommend corrective action to the Superintendent or the Board of Trustees outside of the existing grievance procedures.
13. Conducting human relations and awareness training for all staff in the district within the financial limitations of the district.

Affirmative Action Advisory Committee:

An Affirmative Action Advisory Committee shall be established to assist the district to achieve understanding and support of these employment policies and programs. The committee shall be directly responsible to the Superintendent. The committee shall make an annual report to the Board at a public meeting. Minutes of the meetings shall be sent to Board members.

A. Membership of the Committee

The Affirmative Action Advisory Committee membership shall include the following:

2	certificated employees
2	classified employees
1	management employee
1	student
1 - 2	students
2 - 5	parents/community members
3 - 7	parents/community members representative of Novato's Cultural Diversity
8 - 12	total
9 - 14	total

1. The Affirmative Action Officer shall be the staff person assigned to the committee without a vote.
2. The middle school and/or senior high school student commissions shall nominate a member from their organizations.
3. Employee organizations shall nominate members from their organizations.
4. The Board shall appoint parents and community members that represent the community-at-large and the members nominated by #2 and #3 above.
5. Vacancies shall be filled in the same manner.
6. The terms shall be for two years.

B. Procedures of the Committee

1. All meetings shall be governed by parliamentary procedure according to Roberts' Rules of Order.
2. Members shall be dropped after three consecutive meetings are missed without notification to the Chair or Secretary.

B. Procedures of the Committee (continued)

3. The officers shall be a Chair and Vice-Chair to be elected annually by the committee. The duties of these officers shall be those generally accorded these offices. The Affirmative Action Officer shall be the Secretary.
4. A quorum shall consist of the majority of the membership six voting members.
5. An executive committee shall consist of the elected officers and two other elected members to function as needed between regular meetings and act in advisory capacity to the Chair.
6. Notice of all meetings, whenever possible, shall be made public and a summary of each meeting shall be made available to the press.
7. All meetings shall be held in a school building.

C. Functions of the Committee

1. Recommend goals for affirmative action and methods to accomplish these goals within clearly defined timetables.
2. Evaluate progress and results of the affirmative action program and recommend measures for its improvement.
3. Inform community, minority groups, women's groups, and other interested organizations on affirmative action matters.
4. Advise in the establishment and implementation of affirmative action training programs.
5. Advise as to special training needs related to affirmative action and make recommendations for training programs to meet these needs.
6. Advise of needed changes and/or additions to the program at least annually.
7. Support curriculum activities which foster human awareness.
8. Encourage schools to develop multi-cultural activities.
9. Develop and monitor guidelines dealing with sexual harassment.
10. Encourage schools to prepare students to live as adults in a culturally diverse world.

Communication of Policy:

The non-discrimination and affirmative action policies of the district shall be communicated internally and externally. The following are areas which shall be covered:

A. Internal

1. All district employees shall be apprised of the equal employment opportunity program and affirmative action plan. The employees' participation and responsibility in ensuring the plan's implementation is of utmost importance.

A. Internal (continued)

2. The affirmative action policy/program shall be brought to the attention of the district staff and site administrators at least quarterly. Each semester they shall be asked to recommend methods to facilitate its implementation.
3. Copies of the affirmative action program shall be available in the administrative office of each school and in the district office. Each new employee shall receive a copy. A poster shall be displayed in each school office. All teachers' handbooks shall contain a reference to this program.

B. External

1. Written notice shall be given to all recruiting sources of the districts' affirmative action policy and program.
2. Agencies, organizations, and educational institutions shall be notified in order to solicit their assistance in recruiting minority and female candidates.
3. Official stationery shall include in the letterhead: "an equal opportunity employer".
4. All personnel advertisements shall include the statement: "an equal opportunity employer".

C. Students

1. Every effort shall be made to notify the students of the districts' affirmative action program.
2. Every effort shall be made to notify the students of the grievance process under Title IX.

Procedure for Identifying and Correcting Imbalances

A. Development of Data Base

The Personnel Department shall annually determine the racial, ethnic, and gender composition of the existing staff by every multi-position job title. Every facet of employment shall be examined, including certificated and classified job categories, to determine how the policy of affirmative action can be maintained. Such a review shall extend beyond the collecting of statistical data and shall include the following:

1. An analysis of all certificated and classified categories of employment (faculty, support staff, and administration) to determine present utilization and underutilization of minorities and women in terms of the racial and ethnic composition of the available work force.

2. A systematic and continuing review of special skills, qualifications, and abilities of present minority and women employees to determine the possibility of upgrading or lateral movement into other job classifications to achieve equitable distribution of staff.

A. Development of Data Base (continued)

3. An analysis of all positions in the work force to determine if minorities and women are currently being utilized or underutilized in each category with reference to responsibilities and opportunities.

B. Corrective Action

Corrective action shall be initiated when deficiencies are found to exist. The district affirmative action program shall be implemented with all due speed and shall conform to all applicable federal and state regulations.



# NOVATO UNIFIED SCHOOL DISTRICT

## BOARD POLICY

Attachment #2

SERIES 6000

POLICY 6141.6

### MULTICULTURAL EDUCATION

The Governing board believes that our schools' curriculum should accurately reflect the rich cultural, racial and ethnic diversity of our society. Every student should have the opportunity to develop pride in his/her own identity and heritage; to understand, appreciate and respect the identity and heritage of others; and to recognize that dignity and worth are common to all people, regardless of physical differences or ethnic, cultural or religious backgrounds. Students should learn to be able to work and communicate effectively with persons like and unlike themselves.

Instruction in social science, language arts, music and humanities shall feature the contributions of men and women of all racial, cultural and occupational groups. Besides dealing with foreign customs and historical events, the instructional program shall draw upon school and community resources and local activities which illustrate the diversity of our contemporary population. Instructional materials shall portray individuals from different ethnic groups in a variety of occupational and social roles.

The Board expects that multicultural education will benefit students of all racial, ethnic and cultural groups. Curriculum materials and teaching procedures shall be adapted to the values, behavioral patterns and learning styles of all students.

### Legal reference:

### EDUCATION CODE

44560 Inservice preparation in ethnic backgrounds  
60040 Portrayal of cultural and racial diversity

### ADMINISTRATIVE CODE, TITLE 5

3935 Multicultural education

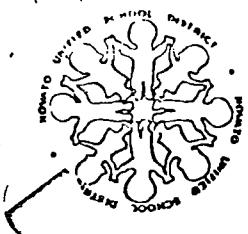
BOARD ADOPTED MARCH, 1969

CURRICULUM AREA: HUMAN INTERACTION

STATUS: Development and reinforcement of human interaction skills is one of the four identified student outcomes. There are specific connections between human interaction and youth at risk, but enough unique needs exist in both areas to warrant separation. Much work has been done to identify instructional strategies that reinforce the development of positive human interactions. In addition there is a general agreement among staff for the need to provide specific information to students and teachers in global and ethnic awareness, and to provide strategies that facilitate positive communication and understanding.

FOCUS: Program Development

ACTIVITY	COMPONENT	IMPLEMENTOR
<b>TRAINING AND INSERVICE:</b> <ul style="list-style-type: none"> <li>- Develop and share activities that provide opportunities for students to practice human interaction skills.</li> <li>- Commit district resources as necessary to facilitate our staff and student participation in Global Education.</li> <li>- The Instruction Division staff in cooperation with the Affirmative Action Committee will develop staff development opportunities that provide teachers with global and ethnic awareness, and facilitate communication and understanding.</li> <li>- District staff will continue to participate in A World of Understanding training.</li> <li>- Revision of the Holiday Handbook for Teachers will be completed.</li> </ul>		
<b>PRINCIPALS</b> <ul style="list-style-type: none"> <li>- Principals will continue to provide support and training for teachers in the area of human interaction.</li> <li>- Through classroom observation, principals will monitor the integration of human interaction.</li> </ul>		
<b>ACCOUNTABILITY:</b> <p><u>Outcomes</u></p> <ul style="list-style-type: none"> <li>- All staff will receive the necessary information to positively impact the acquisition human interaction skills among students.</li> <li>- Human interaction skills will be reinforced and integrated throughout the curriculum.</li> </ul> <p><u>Assessment/Evidence</u></p> <ul style="list-style-type: none"> <li>- Conflicts among students will be reduced.</li> <li>- Opportunities for peer facilitation will increase.</li> <li>- The use of instructional strategies that reinforce student-to-student communication will increase.</li> </ul>		



# NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH STREET • NOVATO, CALIFORNIA 94945 • (415) 897-4201

November 22, 1988

Dan M. Thompson  
Superintendent

Caryl M. Callsen  
Director of Classified Personnel  
and Project Manager  
897-4285

Board of Trustees  
Novato Unified School District  
1015 Seventh Street  
Novato CA 94945

Dear Members of the Board:

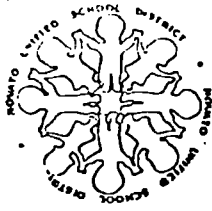
The Affirmative Action Advisory Committee of the Novato Unified School District has been made aware of incidents involving the use of racial epithets by students at the elementary school level. The members of the committee are aware that name calling is not unusual in this age group, but are concerned at the introduction of a racial element. In view of the strong stand that has been taken against racial bigotry at the various levels of our government in recent history, and our concern for the harmful effects of this activity on our children and community, the committee recommends that the Board of Trustees recognize this as a problem and authorize the committee to work with the Instruction Department to plan, develop, and implement a program to combat racial bigotry in the schools and its effects on students.

Respectfully,

Affirmative Action Advisory Committee  
Pauline Stuber, Chairperson

Aubrey Cooper  
Karna Hughes  
Martha Jackson  
Genna Mims  
Lois Moore  
Bruce Pohlman

Jean Mumma  
Louise Morris  
Pat Warren  
Caryl Callsen, Ex-officio



# NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH STREET • NOVATO, CALIFORNIA 94945 • (415) 897-4201

January 12, 1989

Dan M. Thompson  
Superintendent

Caryl M. Callsen  
Director of Classified Personnel  
and Project Manager  
897-4285

Kerri Falzon  
Student Body President  
San Marin High School

Dear Kerri:

It has come to the attention of the Novato Unified School District's Affirmative Action Advisory Committee that the San Marin Student Body Organization sponsors "Slave Day" as part of Spirit Week. Our understanding is that this is a fundraiser whereby students may "buy" other students. The students who are bought (the "slaves") must do what they are told to do by their "owners." This often includes dressing in humiliating and/or inappropriate clothing.

You may not be aware that this practice is directly opposed to a board approved goal of the Affirmative Action Committee which is to promote human awareness projects in the schools.

Two of the purposes of the human awareness projects are to increase the level of knowledge and understanding of all cultures and to emphasize the basic right of human respect due to all people. Holding a Slave day as a fun event is extremely insensitive to the many cultures and societies that have been victims of slavery, particularly those in American history. In addition, directing people to wear degrading clothes and other objects is certainly a violation of human respect and detrimental to the human rights' values taught in the school district and which are an integral part of a democratic society.

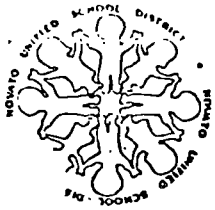
We realize that many students view this as simply a fun way to make money for the Student Body. However, many alternative methods exist to accomplish the same purpose. Therefore, we request that you abolish the use of Slave Day in the future at San Marin.

Sincerely,

Affirmative Action Advisory Committee  
Bruce Pohlman, Chairperson  
Caryl Callsen NUSD, Affirmative Action Officer  
CC:pg  
cc:Daniel Depp, Principal  
Bill Stiveson, Vice Principal

BOARD OF TRUSTEES

James B. Barrett, Mahel W. Croughan, Alan S. Harris, Kerry Mazzoni, Jeffrey P. McAlpin, John F. McCarthy, Laurie S. Sievenpiper



# NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH STREET • NOVATO, CALIFORNIA 94945 • (415) 897-4201

March 3, 1989

Dan M. Thompson  
Superintendent

Cynthia M. LeBlanc, Ed.D.  
Assistant Superintendent  
Personnel & Administration  
897-4221

Concerned Parents of Novato  
c/o Ruth Smith, President  
19 Brown Drive  
Novato, CA 94947

Dear Ruth and Friends,

At the next meeting of the Affirmative Action Committee, to be held on March 8, 1989, there will be a report regarding programs/resources in the District that promote human awareness and understanding of cultural differences. In addition, there will be a discussion of future programs/resources that will continue to enhance sensitivity to cultural differences.

I know this is an area of interest to you. You are welcome to attend the meeting and hear what's happening in Novato Unified School District.

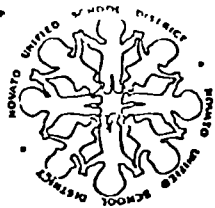
You should know also that the District recently conducted a workshop for teachers, parents, and administrators regarding the project, "A World of Difference." This project is designed to improve intergroup understanding and reduce prejudice. The workshop was well received and a follow-up will occur April 17, 1989.

I have enclosed a copy of the Affirmative Action agenda with the location and time of the meeting on March 8, 1989. Should you have any questions, please feel free to call.

Sincerely,

CYNTHIA M. LE BLANC, Ed.D.  
Assistant Superintendent

CML/bjg  
Attachment  
cc: Dan Thompson



# NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH STREET • NOVATO, CALIFORNIA 94945 • (415) 897-4201

September 21, 1989

Dan M. Thompson  
Superintendent

Caryl M. Callsen  
Director of Classified Personnel  
897-4285

Journalism Class  
San Marin High School

Dear Ms. Cohen and Students:

The Novato Unified School District Affirmative Action Advisory Committee is a board appointed committee with board approved goals, one of which is "To promote human awareness activities in the schools." We have had several incidents reported to us in the past year of racial/ethnic slurs made by students toward other students in several Novato schools. In addition the parents of three students who live in the San Marin attendance area have requested transfers to Novato High School because they believe the climate at San Marin is not a positive one for people of color. Unfortunately, this seems to be a trend since several nationally published newspapers and journals have printed articles recently regarding the increased racism in schools.

The committee was informed last year that the student newspaper at San Marin, The Pony Express, printed articles that contained negative ethnic stereotyping. Articles such as these do harm to the school's climate. Although the journalism students may not have intended the articles to be offensive or hurtful to other students, many staff members and students viewed them as verbal abuse. This year's class could take a much more responsible journalistic approach by printing articles that open students' minds to acceptance of individual and cultural differences.

Novato parents have attended meetings of the Board of Trustees complaining about the ethnic/racial slurs at the schools. The board has responded by taking several actions, including changing board policies and creating a task force to recommend a program to help students and staff deal effectively with the problem. We believe the students themselves must also take some responsibility for helping to create a positive environment for all students at all schools. The journalism class can take a very proactive role by printing articles that promote better understanding of the cultural diversity of San Marin students. This would be truly responsible journalism.

We invite any of you to attend an Affirmative Action Advisory Committee meeting to discuss this issue. If you are interested in doing so, please call me at 897-4285 and we will schedule you on the next agenda.

Sincerely,

A handwritten signature in cursive script that reads "Caryl Callsen".

Affirmative Action Advisory Committee  
Caryl Callsen, Affirmative Action Officer

CC/pg  
c: Dan Depp

"An Equal Opportunity Employer"

BOARD OF TRUSTEES



MT. DIABLO UNIFIED SCHOOL DISTRICT  
JAMES W. DENT EDUCATION CENTER  
1936 Carlotta Drive  
Concord, California 94519-1397  
(415) 682-8000

OFFICE OF  
ASSISTANT SUPERINTENDENT  
SECONDARY EDUCATION

October 6, 1989

To: Attorney General's Commission on Racial, Ethnic, Religious  
and Minority Violence

From: Myra Redick, Assistant Superintendent, Secondary Education  
Mt. Diablo Unified School District

RE: The Role of the School in Hate/Violence Reductions

Mt. Diablo Unified is a suburban district which covers 150 square miles and encompasses parts or all of five cities as well as unincorporated areas. Fifteen years ago the population was 92% white, and it is now 79% white. Our students speak 52 languages with the greatest number speaking Spanish, Vietnamese, Tagalog and Farsi.

We are committed to addressing the issues of discrimination and to reducing incidents of hate and violence through education, communication and a partnership between the schools, law enforcement and the community.

For the past year I have been a member of the Contra Costa County Hate/Violence Reduction Task Force. As the chairperson of the education subcommittee, I have met with representatives of five districts in the county to explore the role of the school in this effort.

We have determined that state frameworks and district courses of study contain clear objectives related to this issue. We propose that all districts need to emphasize these objectives and require teachers to give a high priority to addressing lessons related to the unlearning of prejudice and appreciating diversity. As a committee we have examined the state frameworks for History-Social Science, English-Language Arts, and Visual and Performing Arts. We have identified the goals which are related directly to promoting an appreciation of cultural diversity.

In addition to the formal curricula presented in the classroom, schools deal on a daily basis with the "living curricula"---the incidents that occur on the school grounds and in the corridors. Administrators and teachers need training in recognizing and dealing with incidents of hate/violence or those which can lead to violence.

In Mt. Diablo we are focusing on staff development related to both teaching about diversity in a sensitive manner, and dealing with issues related to prejudice.

In our district we have a Conflict Management program in each high school and most middle schools. This has been very effective in reducing tensions and fighting.

Page 2  
Attorney General  
October 6, 1989

We are fortunate to have an unusual working relationship with the Concord Police Department. The response protocol we have developed establishes a different reaction from the officers when we identify an incident on campus to be race related.

We are also fortunate to have the advice of certain representative groups in our community who make us aware of the needs of minority students and of problems they identify. For example, some parents felt that schools had policies related to fighting, but fail to react to the racial slur which may have provoked a student to fight. We will put in policy and publish in all student handbooks the premise that we consider a racial slur to be assaultive behavior and a suspendable offense.

During the next year we will be focusing on increasing communication between the community and the schools, and to increasing our skills in dealing with sensitive issues.

MJR/pt  
ATTGEN



## BACKGROUND

The Education sub-committee of the Hate/Violence Reduction Task Force has met a number of times to discuss the role of the schools in efforts to reduce hate/violence incidents. Representatives from Martinez, Acalanes, San Ramon, Richmond and Mt. Diablo participated in the meetings. All were in agreement that:

1. State frameworks, county guides and district courses of study reflect clear objectives related to this issue. No new curricula need to be developed. Rather, existing documents should be examined to identify those basic objectives which must be emphasized in each district. (This task was completed by three members of the larger committee). All committee members agree that a rich program includes lessons related to unlearning prejudice and appreciating diversity. New activity programs such as the World of Difference project will enhance what is currently in place.
2. Staff development is needed to provide training for teachers in dealing with sensitive issues related to the specific curricula, and for all school staff in dealing appropriately with the living curricula related to hate/violence and human relations which presents itself in formal and informal settings throughout the day. Staff needs include developing response systems for detecting, reporting, intervention and victim support when a hate/violence incident occurs.

The state department of education provides a framework for each of the major disciplines. Each district develops courses of study reflective of these frameworks.

The Committee recommends that each district examine its curricula to determine that major objectives related to the reduction of hate/violence are prominent in their documents.

Districts will emphasize to teachers the importance of stressing these goals and objectives in their classroom activities. Inservice programs will be provided for school site staffs on both the effective delivery of the curriculum and the handling of unusual situations.

## HISTORY-SOCIAL SCIENCE FRAMEWORK

- I. **The goal of knowledge and cultural understanding is pursued by developing students' literacy in history and other humanities, (including ethics), geography, economics, sociology, and political science. Certain essential learnings are integral to the development of each of these literacy strands.**

A. Historical Literacy

- Develop a sense of historical empathy. (In every age, knowledge of the humanities helps develop a keen sense of historical empathy by allowing students to see through the eyes of the people who were there.)
- Understand the importance of religion, philosophy and other major belief systems in history. (By understanding a people's religion, philosophy, folkways and traditions, students gain an understanding of a culture's ethical and moral commitments.)

B. Ethical Literacy

- Recognize the sanctity of life and the dignity of the individual.
- Understand the ways in which different societies have tried to resolve ethical issues.
- Understand that the ideas people profess, affect their behavior.
- Realize that concern for ethics and human rights is universal and represents the aspirations of men and women in every time and place.

C. Cultural Literacy

- Understand the rich, complex nature of a given culture.
- Learn about mythology, legends, values and beliefs of a people.
- Develop a multicultural perspective that respects the dignity and worth of all people.

D. Socio-political Literacy

-Understand the close relationship between social and political systems.

-Understand the close relationship between society and the law.

-Understand comparative political systems.

II. **The curricular goal of democratic understanding and civic values is centered on an essential understanding of the nation's identity and constitutional heritage; the civic values that undergird the nation's constitutional order and promote cohesion across all groups in a pluralistic society; and the rights and responsibilities of all citizens.**

A. National Identity

-Recognize that American society is now and always has been pluralistic and multicultural.

-Understand the American creed as an ideology extolling equality and freedom.

-Recognize the status of minorities and women in different times in American history.

Understand the unique experiences of immigrants from Asia, the Pacific Island and Latin America.

-Understand the special role of the United States in world history as a nation of immigrants.

-Realize that true patriotism celebrates the moral force of the American ideas a nation that unites as one people the descendants of many cultures, races, religions and ethnic groups.

B. Constitutional Heritage

-Understand the basic principles of democracy.

-Understand the historical origins of basic constitutional concepts.

C. Civic Values, Rights and Responsibilities

-Understand what is required of citizens in a democracy.

-Understand individual responsibilities for the democratic system.

## ENGLISH-LANGUAGE ARTS FRAMEWORK

### I. Each student will have opportunities to:

- Develop a clearly communicated sense of common values and common goals that respect diversity.
- Develop a solid body of knowledge derived from a common cultural heritage.
- Experience confronting important human issues and conflicts.
- Develop a strong sense of values including personal, social and aesthetic values.
- Prepare to function as informed and effective citizens in our democratic society.
- Experience a literature-based program that encourages reading and exposes all students, including those whose primary language is not English, significant literary works.
- Experience instructional programs that guide all students through a range of thinking processes as they study content and focus on aesthetic, ethical and cultural issues.
- Experience literature which reminds us of the best in human character, the most admirable human character, the most articulate human speech, whether those thoughts and feelings come from ancient Greece or modern Japan, from Puritan New England or tribal Africa, from Renaissance England or contemporary Mexico.
- Capture the breadth of human experience through a strong literature program which offers the language and literature of many nations and perspectives of racially, ethnically and culturally diverse societies; and of poems and narrations, fables and legends, and stories and plays.
- Establish a climate for learning, respecting languages and dialects that are linguistically different from standard English.
- Recognize the importance of minority languages and cultures in preventing alienation and inhibitions about language that prevent learning.

## VISUAL AND PERFORMING ARTS

### A. Aesthetic Perception

-Through increased perception students are sensitized to the individual and to the world through increased aesthetic perception. Students respond to the elements of an object or event and to express and appreciate it in greater depth.

### B. Arts Heritage

-Through knowledge of the artistic accomplishments of the great cultures of the world, students see the places of the arts in relation to those cultures and to grasp the relevance of the arts in contemporary society. Through knowledge of the arts of various cultures, past and present, students gain appreciation and understanding of these cultures and of their heritage.

### C. Dance

-Through dance education students understand and appreciate one's own culture and the cultures of others.

-Through dance education students understand similarities and differences among races, religions and cultural traditions.

-Students will recognize dance as a universal language in world cultures, will articulate the historical rules of dance in relation to social, ritual and performance contexts.

### D. Drama/Theater

-Through experiences in drama students will be able to recognize major themes, historical periods and cultural backgrounds.

-Students will recognize the importance of today's theater as a means of understanding and appreciating cultural differences.

E. Music

-Through the study of the music of the world and of historical periods and styles, students will recognize the relationships between music and the lives of people.

-Students will recognize that music is related to historical and social movement and is used to express feelings and tell about the world and to satisfy emotional needs.

-Students will understand that people use the material in their environment to create instruments.

F. Visual Arts

-Through experiences in multi-cultural studies in visual arts, students will have direct contact with authentic images and artifacts, the essential aesthetic qualities that are characteristic of objects and structures of a given culture.

-Students will recognize the uniqueness of each cultural heritage as well as the similarities to our own culture.

-Students will recognize that different cultures express their beliefs, values, goals, rituals and customs in unique art forms.

-Students will recognize that the visual arts of cultures from which this society emerged are relevant to our current life because they are links to our origins, guideposts to our future and starting points for new ideas.

Testimony  
of  
Robin Wu, Civil Rights Program Developer  
Chinese for Affirmative Action  
before  
Attorney General's Commission on  
Racial, Ethnic, Religious, and Minority Violence  
October 6, 1989

Commission members, Chinese for Affirmative Action, located in San Francisco's Chinatown, has been serving the Asian community for 20 years. One of our goals as a civil rights advocacy organization is to monitor incidents of anti-Asian violence, and members of the public contact us if they have been a victim of or witnessed such an incident. The tremendous demographic changes experienced by our state during the past decade have made people more aware of the Asian community, but have also created an increased level of anti-Asian sentiment.

I would like to mention two relatively well-publicized incidents of anti-Asian violence that have occurred since the beginning of this year. On January 17, 1989, Patrick Purdy shot 35 schoolchildren and a teacher at Cleveland Elementary School in Stockton. Five of the children died. The investigation of this assault, initiated by the Attorney General, revealed that Purdy targeted all minorities for his problems and singled out the Southeast Asian community in Stockton.



Just last month, an article appeared in the College of San Mateo's weekly student paper entitled, "Who do you hate?". The article begins as follows:

I never used to think of them as a minority.  
But I do now. I never used to hate them.  
But I do now. The group of people I'm talking  
about are Asians.

The editor of the student newspaper defended her decision to publish the article by deferring to freedom of speech and said she would publish anything submitted to her.

We applaud the Attorney General's Commission for the recommendations it made in 1986 which included amendment of the Ralph Act and establishment of the Bane Act, but these laws will only be effective if they are fully implemented and carried out.

The Attorney General needs to take the lead in encouraging educational institutions to fight against hate violence by developing human relations and ethnic studies curricula. The Attorney General should facilitate a dialogue between schools and law enforcement agencies to develop crime prevention programs in our communities.

It is imperative that there be a state agenda to combat hate violence and a comprehensive strategy on the part of state government with which to address this agenda. In order for such a strategy to be effective, the government and community organizations must make a commitment to working closely together. We look forward to seeing the Commission take a leadership role in this endeavor.



ASIAN  
LAW  
CAUCUS INC.

Main Office: 1322 Webster Street, Suite 410 / Oakland, CA 94612 / (415) 835-1474

36 Waverly Place, Suite 2 / San Francisco, CA 94108 / (415) 391-1655

REPLY TO: OAKLAND ☐  
SAN FRANCISCO ☐

COMMENTS OF DENNIS HAYASHI  
ASIAN LAW CAUCUS, INC.

Before the Attorney General's Commission on  
Racial, Ethnic, Religious and Minority Violence  
October 6, 1989

Commissioners:

My name is Dennis Hayashi, and I am an attorney with the Asian Law Caucus, Inc., a non-profit law office established in 1972 which represents the low-income Asian community, especially in matters of civil rights.

I am here to discuss an incident which occurred not here in California, but in Raleigh, North Carolina. This past July, Ming Hai Loo, also known as Jim Loo, was murdered by two white individuals in a racially motivated attack. The response of the government authorities and community carries potential lessons for California as it continues to wrestle with the issue of responding to ethnic violence.

On July 29, Jim Loo, a 24-year old student at North Carolina State University, and five of his friends were inside a local pool hall playing a game when two brothers, Robert and Lloyd Piche, approached them and began to harass them. They called them "stupid gooks", and told them that they were

responsible for their brothers not returning from Vietnam. When ordered to leave by the pool hall managers, the Piches told Loo and his friends that they would be waiting outside, saying, "We are going to finish you."

As Jim and his friends were leaving the pool hall, the Piches were outside waiting. Robert Piche went to his truck and pulled out a shotgun. He apparently attempted to fire it at Jim Loo, but the gun jammed. Lloyd Piche then grabbed one of Loo's friends, and held him against the trunk as Robert Piche swung the shotgun at his head. The young man ducked, and got away. Robert Piche chased him with the gun, and then ran back to the parking lot where Loo and another friend were standing. Grabbing a pistol from the truck, Robert Piche swung it at the two men, striking Jim Loo in the back of the head. Jim Loo pitched forward, hitting his head on a beer bottle which shattered his eye socket. Broken bone fragments were driven into his brain, killing him.

In the wake of this incident, the Asian community in Raleigh was confronted with the first reported incident of an anti-Asian killing. The Asian community there, however, is very small, consisting primarily of immigrant professionals and scientists. As I was told by a Raleigh native, Raleigh is 80% white, 20% black, and Asians don't register even 1%. As such the local community was understandably hesitant to be vocal. Their reluctance was also due in part to the fact that

last June flyers appeared on telephone poles in Raleigh that read, "Keep America, America" and portrayed Japan as the "Silent Invader". The handbills urged "We the People" to stop the influx of foreign invaders. When these flyers appeared, Raleigh authorities did nothing to stop them nor determine who was behind it.

Thus, when Jim Loo was murdered, the local community waited to see what the county prosecutor's response would be. They were forced to begin organizing when the Piche brothers were first charged with only misdemeanors or disorderly conduct related to their assault on Jim Loo's friend. They were also outraged by statements from the District Attorney's office that the killing of Loo was an isolated incident, not a reflection of anti-Asian sentiment in Raleigh.

Calling for justice, the Jim Loo American Justice Coalition was formed, and pressed the D.A. for a murder indictment for the killings. They also called for an investigation by the Federal government of civil rights violations. They were joined by the Inter-Faith Religious Council, and other civil rights organization in calling for a thorough investigation and prosecution of the cases.

In August, Robert Piche was indicted for second degree murder by a grand jury. The D.A. did not seek a first degree indictment based on a lack of evidence, yet when I was in Raleigh, radio talk show hosts received calls from

witnesses to the killing who said they had information to provide, but had not been encouraged to do so by the D.A.'s investigators. Additionally, the prosecutor continues to downplay the racial aspect of the case. But as Christiana Davis-McCoy, executive director for North Carolinians Against Racist and Religious Violence stated, Loo's killing should be seen as unique only because it is the first known incident. "Plenty of people share the sentiment of the Piche brothers, but they don't act on it in the same way. They say the "Chinks" and "Japs" are getting an easier way to go, because they have access to resources."

Meanwhile, Robert Piche, who awaits trial, has characterized of the incident as a barroom brawl.

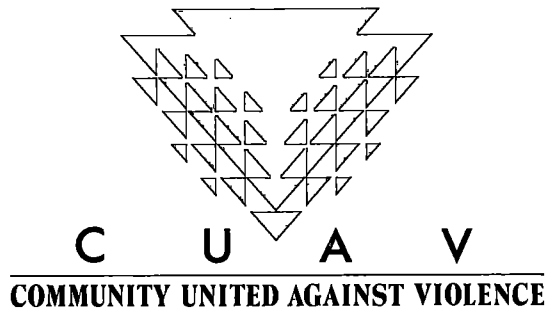
What lessons can we draw from what has occurred in Releigh? First, county and state authorities should not whitewash these types of incidents as "isolated." I believe that the actions of the Piche bothers are the result of an atmosphere conducive to acts of racial violence. These incidents must be placed in their proper context by those in charge of investigating and prosecuting them.

Second, government authorities and local commissions must be supportive of communities which are the targets of racism. Local human rights commissions, for example, must respond promptly to things such as the flyers posted in

Raleigh and recommend courses of action to handle such situations before violence erupts.

Finally, strong penalties for racial violence such as those provided in the Ralph Act are important, but equally important is education of the wider public about how these laws can be used. Only with effective legal tools can victims of racial hatred in minority communities attempt to meaningfully respond.

Thank you.



TESTIMONY  
ATTORNEY GENERAL'S COMMISSION ON  
RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE

October 6, 1989

Community United Against Violence (known as "CUAV") is a community agency dedicated to preventing violence against lesbian and gay people and to providing services for lesbian and gay victims of violence. We are particularly concerned with the huge amount of hate violence facing lesbians and gays.

CUAV has been in existence since 1979 and is funded primarily through a contract with the District Attorney of San Francisco, through United Way, and through small grants and contributions. Our Gay Men's Domestic Violence Project is funded by the State Office of Criminal Justice Planning.

We are extremely gratified that the state Legislature and Governor have passed Senator Diane Watson's Hate Crimes Statististics Bill into law this year. In so doing, California has become the third state in the nation to enact what I call "preliminary legislation" addressing hate violence. That is, in California we now have enhanced penalties for hate incidents, civil remedies, and statistics collection.

Unfortunately, the extent of hate violence in California remains at an extremely high level. In particular, we see an extremely high rate of violence against lesbians and gays. Since 1985, CUAV has received reports of 200 to 250 incidents annually, almost all from within San Francisco. The National Lesbian and Gay Task Force reported 561 anti-gay incidents in California in 1988, including 317 physical assaults. There were more hate-motivated assaults against lesbians and gays in California than in any other state, and more such assaults in San Francisco than in any other city.

It is important to note that these are only reported incidents and do not come close to reflecting the actual amount of violence occurring. We are more likely to receive reports of hate violence in San Francisco because there is a well-established and trusted community organization addressing the issue. Also, over the past decade, local political and law enforcement leaders have regularly spoken out on the issue, emphasizing their commitment to respond to individual incidents.

TESTIMONY  
ATTORNEY GENERAL'S COMMISSION ON  
RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE

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Unfortunately, the extent of hate violence in California remains at an extremely high level. In particular, we see an extremely high rate of violence against lesbians and gays. Since 1985, CUAV has received reports of 200 to 250 incidents annually, almost all from within San Francisco. The National Lesbian and Gay Task Force reported 561 anti-gay incidents in California in 1988, including 317 physical assaults. There were more hate-motivated assaults against lesbians and gays in California than in any other state, and more such assaults in San Francisco than in any other city.

It is important to note that these are only reported incidents and do not come close to reflecting the actual amount of violence occurring. We are more likely to receive reports of hate violence in San Francisco because there is a well-established and trusted community organization addressing the issue. Also, over the past decade, local political and law enforcement leaders have regularly spoken out on the issue, emphasizing their commitment to respond to individual incidents.



A more accurate reflection of the extent of hate violence against lesbians and gays is found in a 1989 survey by the San Francisco Examiner. This nationwide survey found that 6.2% of the population identified as lesbian, gay, or bisexual and, of these, 7% reported being assaulted in an anti-gay incident in the previous year. Applied to California's population of approximately 25 million, this translates into 108,500 anti-gay prejudiced-based assaults annually.

These statistics make clear that, although California may have preliminary laws to respond to hate violence, we must now move on to the more difficult task of changing the prejudice and bigotry which leads to such incidents. Some areas that still require attention in California:

- We need pilot programs in the schools, programs designed both to teach tolerance for all groups who are subjected to bigotry. In addition, we need to restore lesbians, gays, blacks, women, latinos, asians, and others to our history, literature, and science curriculums.
- We need more community-based organizations helping victims of hate violence and promoting safety education within the respective communities targeted for hate violence.
- We need pilot community education programs, so that we can learn how to effectively promote appreciation for diversity in our cities and counties.
- We need to train law enforcement agencies statewide to be sensitive to different community groups in California. We need to assure law enforcement policies to track hate violence incidents and to train individual officers to recognize and respond effectively to hate violence.
- We need to develop programs, similar to what Fred Persily is undertaking in Contra Costa County and what is in a fledgling state in San Francisco, to coordinate community and public resources in a comprehensive local response to hate violence.

We owe the Attorney General much for his efforts to make hate violence a major issue in California. Now that hate violence is on the agenda, we need to commit to long-term, substantial, and creative methods to not only respond to individual incidents, but also to effectively end the bigotry which causes hate-motivated violence.

# CUAV

## COMMUNITY UNITED AGAINST VIOLENCE

514 CASTRO STREET • SAN FRANCISCO • (415) 864-3112

UNI-SAFE (864-7233)

### PRESS RELEASE

June 8, 1988

Contact:  
Lester Olmstead-Rose

#### Anti-Gay Assaults Highest in San Francisco

More anti-gay attacks were reported in San Francisco in 1987 than in any other place in the country, according to a study released this week.

The 238 violent assaults reported against lesbians and gays in San Francisco made up 28% of the 835 total assaults reported nationwide by the National Gay and Lesbian Task Force.

"Even in a relatively tolerant city such as San Francisco, lesbians and gays contend with a frightening rate of violence directed against us," said Beverly Mesch, Executive Director of the locally based Community United Against Violence (CUAV). "Because local assaults are very much underreported, these figures represent just the tip of the iceberg."

According to the study, incidents of harassment and violence against lesbians and gays rose to 7,008 episodes nationwide in 1987, compared to 4,946 incidents in 1986.

Of 1987's total incidents, 253 were documented by Community United Against Violence in San Francisco, an 11% rise locally over 1986. These incidents included assaults, bomb threats, homicides, threats, vandalism, and police abuse, assault, bomb threats, and homicide. There was also a 23% rise locally in the number of cases serious enough to require medical attention.

"Because we refuse to hide in our closets, we are facing nationwide terrorism to beat us back in," said CUAV community organizer Lester Olmstead-Rose. "Unfortunately, the violence is as bad or worse in San Francisco as everywhere else."

Although the nationwide study includes many incidents of verbal harassment, such figures are not tracked locally.

CUAV urges all victims of anti-gay or anti-lesbian violence to contact them at 415/864-3112.

# # # END # # #

Hold for ReleaseTuesday a.m.

June 7, 1988

For further information

Kevin Berrill or Urvashi Vaid

202/332-6483

REPORTS OF ANTI-GAY/LESBIAN INCIDENTS REACH RECORD HIGH IN 1987

Anti-gay harassment and violence remained a widespread and critical problem in 1987, according to a report released to day by the National Gay and Lesbian Task Force (NGLTF). A record high of seven thousand and eight (7,008) incidents were reported to NGLTF from across the United States, as compared to 4,946 incidents reported in 1986. Directed against persons because they are lesbian or gay or perceived to be so, these incidents included verbal harassment, intimidation, assault, police abuse, vandalism, arson, bomb threats and murder. The reported violence was perpetrated by lone individuals, gangs and organized hate groups, and occurred in a variety of settings—on the street, in school, on campus, in jail and prison, and even in the home.

Documented by 64 groups in 32 states and the District of Columbia, and by the National Gay/Lesbian Crisisline, the statistics gathered for last year account for only a very small fraction of the actual total. Low rates of reporting by victims and the lack of systematic data collection throughout most of the U.S. prevent a measurement of the problem's full scope. While incidents reported in 1987 are 42% higher than in 1986, it is unclear to what extent the rise reflect an increase in victimization or an increase in reporting or both.

"While our report does not claim to measure the full extent of anti-gay/lesbian harassment and violence in 1987, available data clearly demonstrate that the problem continues to be severe," said Kevin Berrill, Director of NGLTF's Anti-violence Project. "These episodes occur at a time of widespread attacks against members of the Arab, Asian, Black, Hispanic, Jewish, and Native American communities. Regardless of the group targeted, any attack motivated by bigotry is intended to violate and isolate not just the victim but all those who are different."

The NGLTF report also highlighted violence surveys completed in 1987 at Pennsylvania State University, Rutgers University, and in Vermont, Maryland and elsewhere. All surveys showed high rates of victimization, and provided additional evidence of the pervasiveness of anti-gay violence.

Anti-gay/lesbian attacks reported to NGLTF for 1987, included the following:

- o On September 13, in Long Beach, CA, three young men assaulted a gay man with AIDS, breaking his hip and causing other injuries.
- o On July 12 in San Francisco, a heterosexual male tourist was stabbed to death because he was mistakenly perceived to be gay by his assailant.
- o On January 17 in Shelby, North Carolina several men linked by officials to the White Patriot Party entered a gay-oriented adult bookstore and shot

(more)

five men, killing three. According to an informant, the killings were intended to "avenge Yahweh on homosexuals."

o On March 17 in Philadelphia, a man brutally assaulted a lesbian at a local bar after she told him her sexual orientation.

o On October 6 in Fort Wayne, Indiana, three youths wielding Chinese "throwing stars" stormed into a gay bar and assaulted patrons.

More than one third of the organizations reporting to NGLTF noted that anti-gay/lesbian violence was more frequent in 1987 than in 1986, including the Philadelphia Lesbian and Gay Task Force, which received a 39% increase in violence reports. The New York City Gay and Lesbian Anti-Violence Project, a gay victim assistance agency, saw 14% more clients in 1987, and San Francisco's Community United Against Violence (CUAV) reported a 14% increase in anti-gay violence victims seeking services.

Most of the groups reporting to NGLTF indicated that fear and hatred associated with AIDS had contributed to the problem of anti-gay violence in 1987: 15% (1,042) of all incidents reported for last year, and 5% (40) of all physical assaults, involved verbal reference to AIDS by the perpetrators or were directed against persons with AIDS.

The NGLTF report highlighted federal, state and local initiatives to combat anti-gay violence, including a Justice Department-sponsored study which concluded that "homosexuals are probably the most frequent victims" of hate violence, and passage of the Hate Crime Statistics Act (H.R. 3193) in the House Judiciary Committee. (Last month, in an historic vote, H.R. 3193 passed in the House of Representatives by an overwhelming margin.)

Progress at the state level included passage of laws in California and Connecticut that address anti-gay violence. At the local level, several major city police departments initiated programs to monitor anti-gay violence and other hate crimes. Commented NGLTF's Berrill, "after years of denial and neglect we are finally seeing scattered but significant improvements in the official response to anti-gay violence."

Founded in 1982, the NGLTF Anti-violence Project is America's only national program to research, document, publicize and combat violence against the lesbian and gay community. Anti-Gay Violence, Victimization and Defamation in 1987 is NGLTF's third annual report on anti-gay harassment and violence. **Local groups are strongly urged to compile statistics on anti-gay/lesbian incidents and to report them to NGLTF for next year's audit.** To obtain incident report forms or other information on organizing against violence, contact the NGLTF Anti-violence Project, 1517 U Street, N.W., Washington, D.C. 20009.

NGLTF urges all victims of anti-gay/lesbian harassment and violence to contact local anti-violence projects where they exist or the National Gay/Lesbian Crisisline at 800/221-7044 (212/807-6016 in New York State).

Copies of Anti-Gay Violence, Victimization and Defamation in 1987 can be ordered for \$3.00 each; orders of ten or more are \$2.00 each. Individual copies are free to NGLTF members and Cooperating Organizations.

1987 INCIDENTS REPORTED BY STATE

	Total	Harassment/ Threats	Physical Assaults	Vandalism	Police- Related/ & other	Bomb Threats	Arson/ Bombings	
1) North Carolina	1,985	1,913	12	3	45	5	3	4
2) California	561	188	317	13	29	4	-	10
3) Illinois	503	443	32	19	6	-	-	3
4) Virginia	462	423	9	13	16	1	-	-
5) Delaware	461	450	6	-	3	2	-	-
6) New York	408	177	114	56	41	-	-	20
7) Oregon	366	361	-	-	-	-	-	5
8) Pennsylvania	327	135	46	108	29	-	-	9
9) Ohio	251	225	13	1	8	-	-	4
10) District of Columbia	243	147	54	-	41	-	-	1
11) Michigan	232	185	3	20	18	6	-	-
12) Washington	210	141	57	4	5	3	-	-
13) New Jersey	179	164	4	10	-	-	-	1
14) New Hampshire	162	115	14	20	10	3	-	-
15) Colorado	117	75	12	23	7	0	-	-
16) Tennessee	95	74	15	5	1	-	-	-
17) Massachusetts	92	27	63	-	2	-	-	-
18) Minnesota	74	37	18	11	2	-	-	6
19) Maine	45	30	4	11	-	-	-	-
20) Iowa	42	34	4	2	2	-	-	-
21) Montana	40	31	1	8	-	-	-	-
22) North Dakota	29	25	3	1	-	-	-	-
23) Connecticut	20	10	3	5	2	-	-	-
24) Florida	17	9	4	1	2	-	1	-
25) Hawaii	17	15	-	2	-	-	-	-
26) Utah	13	2	4	1	6	-	-	-
27) Texas	11	6	4	-	1	-	-	-
28) Wyoming	8	7	1	-	-	-	-	-
29) Nevada	6	2	1	-	1	2	-	-
30) South Carolina	6	6	-	-	-	-	-	-
31) Wisconsin	6	3	3	-	-	-	-	-
32) Georgia	2	-	2	-	-	-	-	-
33) Kentucky	1	-	1	-	-	-	-	-
34) Natl G/L Crisisline	17	3	11	1	1	-	-	1

Note: Figures represent only those incidents reported to NGLTF in 1987.

# Method of polling

## Gay population impossible to count?

**T**HE FIRST ATTEMPT to survey gay America scientifically has proven it's probably impossible to determine exactly what proportion of the population is homosexual.

In an apparent indication of continuing stigma attached to homosexuality, The Examiner's random national poll found only 6.2 percent of those surveyed willing to tell a stranger over the phone that he or she is gay or bisexual.

That is far lower than the generally accepted belief that 10 percent of Americans are gay.

Only in the Bay Area did the number of people willing to say they were gay reach 10 percent. In small Midwestern states and in the South, where The Examiner's poll indicated there is less tolerance for homosexuality, the rate was much lower than the national average.

In Kansas, it took poll researchers nine full days of random dialing to find a single person who would say he was gay. To find that one-in-a-million gay (Kansas' population is about 1 million), it took pollsters an estimated 1,650 phone calls during 55 hours of dialing.

"You gotta believe there's more than one gay in the whole state of Kansas," said pollster Steve Teichner of Fullerton, who conducted the survey for The Examiner. "This illustrates the difficulty of getting a truly accurate sampling of the number of gays."

There was no way of determining from the poll data how many respondents were gay but unwilling to say so, despite researchers' assurances of anonymity.

"The major conclusion of this survey is that no one, including us, knows how many Americans are gay," said Teichner. "This is a benchmark scientific study (and) fundamentally we do not know what percentage of the country is gay."

Teichner conducted two separate polls for The Examiner — one nationwide and the other in the Bay Area.

Both asked the same questions. Gays and straights were polled about their attitudes generally toward homosexuality, and at the end were asked their sexual orientation. Those who said they were gay or bisexual went on to answer a wide

The latter is the first scientific nationwide poll done on gays' attitudes about their own lives.

Teichner started with the premise that it would take 4,000 calls to reach 400 gays, both nationally and in the Bay Area. That was based on the idea that 10 percent of the population is gay — the generally accepted figure resulting from Alfred C. Kinsey's ground-breaking studies in the late 1940s.

Instead, it took close to 27,000 calls to find the 800 people needed to make both gay samples statistically significant.

Though the 10 percent level is considered gospel in the media, in gay communities and elsewhere, pioneer sex researcher Kinsey's famed 1948 report on male sexual behavior and his follow-up report on female sexuality aren't that clear-cut.

After a decade of study, the former zoologist and his Indiana University colleagues reached a then-revolutionary conclusion: Most people aren't exclusively heterosexual or homosexual, but somewhere in between. They devised a scale of zero to six (zero being exclusively heterosexual and six being exclusively homosexual) to conclude that 10 percent of men are "more or less exclusively homosexual" (rate 5 or 6) for at least three years between the ages of 16 and 55, 8 percent are "exclusively homosexual" for that period and 4 percent are exclusively homosexual throughout their lives.

Five years later, he said the percentage of exclusively lesbian women was about one-third to one-half of that, which would push the percentage of exclusively homosexual men and women to close to 6 percent.

Kinsey's reports drew widespread criticism from academics for glaring inadequacies in his study sample. For example, British anthropologist Geoffrey Gorer said that Kinsey adequately described the habits of only white male college graduates from the Midwest. Other critics said his sample was too narrow and unrepresentative because it was gathered from the classes of colleagues and similar sources.

Since then, various researchers have put various spins on Kinsey's and later data, mostly on males, but

pay an extra \$100 in taxes for AIDS research. Among gays, it's more than eight out of 10. That feeling is equally strong in all regions of the country, including the Bay Area. And it means all age groups except

cial, not medical, Teichner said in analyzing the willingness to spend money for AIDS research.

"It has assumed its position as a killer disease and is viewed generally as a health problem (that) has nothing to do with attitudes about homosexuality in non-theoretical situations."

### Fear rises in Bay Area

Fear of getting AIDS is about the same among straight people nationally and in the Bay Area: About four in 10 have "great" or "some" fear.

The numbers don't change appreciably whether or not people know someone with AIDS.

Fear among gays is much higher in general and highest of all in the Bay Area. About two-thirds of gays and lesbians nationally and more than three-quarters in the Bay Area have "great" or "some" fear of contracting the disease.

One poll result will prove disheartening to gay politicians, particularly in the Bay Area where they exert their greatest influence: The numbers suggest that being gay is damaging, perhaps fatal, to any candidacy beyond a local level.

People polled were asked whether they would vote for a gay candidate they agreed with on everything or a nongay they disagreed with. Nationally, the gay candidate would lose 18 percent of the straight vote — 9 percent who say they'd vote for the nongay candidate and another 9 percent who wouldn't vote at all. Another 8 percent weren't sure.

In the Bay Area, the gay candidate would lose about 11 percent of the vote, and another 3 percent didn't know what they'd do.

"It would not have been possible to have drawn a more favorable environment for a gay candidate, allowing him to be in complete agreement with the person being asked the question," Teichner said. "But still 9 percent said they'd vote for the other candidate and 9 percent said they wouldn't vote. That means 18 percent of the voters have been immediately withdrawn

SAN FRANCISCO  
EXAMINER  
JUNE 1989

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Men	4.3
Women	5.8
Bay Area	7.0
Men	2.8
Women	

## Discrimination

Have you ever experienced discrimination in the following areas? (Results don't add up to 100% because some reported discrimination in more than one category.)

	Job	Housing	Health care	Social	None	Don't know
U.S.	16	15	13	39	52	1
Northeast	14	19	18	40	49	1
South	26	17	20	54	31	3
Midwest	12	5	10	37	61	1
West	17	15	10	36	67	1
Bay Area	28	14	11	43	44	1
Men	27	13	10	40	45	2
Women	36	16	19	58	40	

## Violence

In the last year, have you been physically abused or assaulted because you are gay?

	Yes	No	Don't know
U.S.	7	92	2
Men	5	93	2
Women	10	90	
Midwest	15	85	
Northeast	9	89	3
South	3	94	3
West	3	96	1
Bay Area	9	91	
Men	10	90	
Women	2	98	

## Major life decisions

Did your sexual orientation play a major role in your selection of your town or neighborhood, your job/profession, or your place of work?

	City/town	Neighborhood	Job/profession	Workplace
U.S.	39	32	16	34
Men	44	36	15	30
Women	24	21	18	52
Bay Area	53	36	14	28
Men	53	36	13	26
Women	52	35	23	42

## Institutional change

How would you describe the attitudes of the following institutions towards gays in the last 20 years?

	More favorable	Less favorable	No change	Don't know
Media				
U.S.	67	14	17	3
Bay Area	65	19	16	
Business				
U.S.	47	16	28	9
Bay Area	43	16	34	7
Legal system				
U.S.	41	28	25	3
Bay Area	30	34	31	
Schools				
U.S.	39	21	29	3
Bay Area	46	29	19	
Churches				
U.S.	30	31	27	11
Bay Area	24	37	29	10
Government				
U.S.	28	33	35	3
Bay Area	33	35	30	2

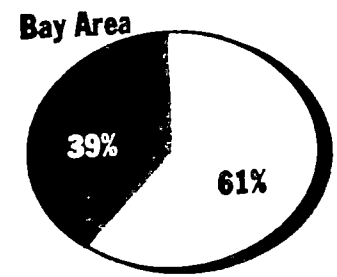
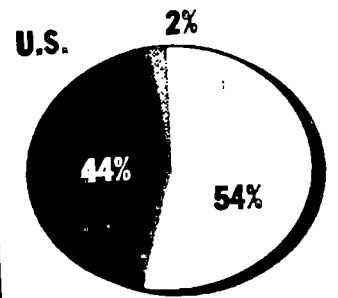
## Optimism about the future

Do you expect your local community to become more accepting of gays in the next five years?

	Yes	No	Don't know
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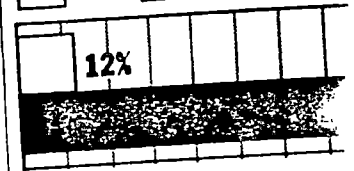
## sexual orientation?

☐ Yes ☒ No ☐ Don't know



Have you ever been physically or assaulted because you are gay?

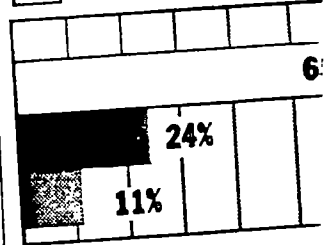
☐ Yes ☒ No



Do you expect your local community to become more accepting of gays in the next five years?

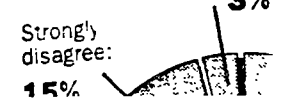
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☐ Yes ☒ No ☐ Don't know



Do you agree or disagree with all kinds of sexual orientation today?

U.S. gay/bisexual





TESTIMONY BEFORE THE ATTORNEY GENERAL'S COMMISSION ON RACIAL,  
ETHNIC, RELIGIOUS AND MINORITY VIOLENCE

The Commission on Peace Officer Standards and Training (POST) is pleased to present the following testimony concerning its response to the Commission's recommendations directed at POST.

Effective July 1, 1988, POST adopted the attached Basic Course curriculum additions related to hate crimes including: (1) recognizing hate crimes, (2) consequences of hate crimes, and (3) laws regarding hate crimes. Additionally, there were some technical changes to other existing performance objectives dealing with community relations and interpersonal communications as shown on the attachment. These performance objectives were developed with the input of subject matter experts and basic academy instructors and are now being taught and tested in all 34 POST-certified basic academies. With a performance objective based training program, it is difficult to say with accuracy how long this training requires, but we would estimate that most academies are devoting one to two hours. It is safe to say that all of your recommendations concerning basic academy training either were or are being addressed now.

In addition to basic academy training, we are aware that some advanced officer and modular courses for in-service officers have included this training where locally determined training needs suggest. POST also is in the process of including this training in the curriculum standards for the POST Requalification Course which is required for re-entering officers after a three year or longer break in service. Some attention to hate crimes is also being included in the newly developed Basic Criminal Investigation Course as part of the POST Institute of Criminal Investigation which is directed at the training needs of investigators.

Although POST does not establish content standards for agency field training programs, we are aware that some law enforcement agencies have incorporated hate crimes instruction in their field training of new officers which typically parallels the POST basic academy training standards.

Besides the area of hate crimes, POST has adopted training standards on the elderly and is about to consider enhanced training in the related area of handling the developmentally disabled and mentally ill.

POST is not in a position to determine what effect this training has had on the performance of individual officers and law enforcement agencies collectively.

Consistent with its training role, the POST Commission remains willing to work cooperatively with local law enforcement agencies to meet their training needs in this area.

I would be pleased to answer specific questions or may be contacted regarding this testimony at the Commission on POST, 1601 Alhambra Blvd., Sacramento, CA 95816-7083 or by phone (916) 739-5385.

MAJOR BASIC COURSE CURRICULUM CHANGES RESULTING FROM HATE/RACIALLY  
MOTIVATED VIOLENCE AND ELDERLY CRIME SEMINAR

Functional Area 2 - Community Service Concept

(New) 2.7.0 Learning Goal: The student will understand hate crimes motivated by racial, ethnic, religious, or sexual orientation.

(New) P.O. 2.7.1 The student will recognize indicators of hate-related crimes including:

- A. Anti-religious symbols/slurs
- B. Racial/Sexual/Ethnic slurs
- C. Racist symbols
- D. Hate group symbols
- E. Anti-gay/lesbian slurs

(New) P.O. 2.7.2 The student will identify the consequences of hate crimes including:

- A. Psychological effect on victim
- B. Denial of basic constitutional rights
- C. Divisiveness in the community
- D. Potential escalation of violence

(New) P.O. 3.23.6 The student will recognize specific hate crime law including:

- A. Civil Rights (422.6 and 422.7 PC)
- B. Religious terrorism (11411 and 11412 PC)
- C. Terrorism in places of worship (11413 PC)
- D. Arson against church or synagogue (1170.8 and 1170.75 PC)

## TECHNICAL CHANGES

### Functional Area 5

P.O. 5.1.2  
(Modified)

The student will identify the following as being factors which would contribute to a negative response from the public:

- A. Profanity
- B. Derogatory language
- C. Ethnically offensive terminology Offensive terminology directed toward racial, ethnic, and sexual orientation
- D. Inappropriate use of police jargon.

### Functional Area 8

(Modified) 8.2.1

The student will identify the following as factors which affect perception by an individual:

- A. Past experiences
- B. Maturity
- C. Mental condition
- D. Emotional involvement
- E. Physical condition
- F. Environmental conditions
- G. Training
- H. Cultural and ethnic background
- I. Personal prejudices and bias

October 1989

To: Commission On Racial, Ethnic, Religious and Minority Violence

From: West Coast Region NAACP  
Racial Intolerance Task Force

Subject: State Of Racial Intolerance - 89

#### A. Introduction

I. This report is written to provide a current assessment of the state of racial violence and intolerance as compiled, analyzed and vigorously pursued for purpose of focus, containment and eventual eradication. Our research and investigation of past and current incidents of hate violence indicate an alarming increase in the level and frequency of such incidents, specifically in Northern California the area in which we are located.

II. For purpose of emphasis and focus this reports covers hate violence for the past several years, and begins with three hanging incidences; [1] in Concord, [1] in Lafayette and [1] in San Jose. Each of which was quickly labeled a suicide. The latest incidents is a cross burning on the lawn of a black family living in a racially mixed neighborhood in San Leandro. The police quickly labeled it a simple drunken prank as well.

III. The minority community is experiencing increased acts of terrorism, violence, threats of violence, assaults on persons and property, vandalism and acts of intimidation by members of hate groups and/or their sympathizers. These events have made the community more vigilant, and mindful. They have also served to alert them to terrible danger these incidents pose to the safety of their families and property. The flawed perception that the people committing these heinous crimes are card carrying, registered members of some designated groups is a serious breach of intelligence. the hatemongers on the political extreme right have faithfully adopted the tactics of the old radical left. They have gone underground and are recruiting and training a vicious and loyal fifth column. Their task is to spread hatred and commit vicious acts against harmless victims. They are also substituting klans robes for two and three piece suits.. This radical change in tactical operations has completely befuddled our governmental, community and law enforcement agencies who continue to use inefficient, archaic and outdated methods to try and cope with this latest madness. New bolder and more creative things must be done.

## B. Racial Incidences

I. Listed below are some of the many incidences of racial unrest that the task force was called upon to intervene on behalf of minority victims:

### a. Hate Crimes In The Community And The Work Place

1. [1985] Young black male was found hanged in Concord, CA near the BART station. The police listed this incident as a suicide. The terrible miscarriage of justice and failure by law enforcement officials in this case was the catalyst that caused the formation of the NAACP Racial Intolerance Task Force.

2. [1985] The same night as the above cited incident, at a nearby night club, two black males were stabbed seriously by several white youths dressed in klan regalia. This incident took place in Concord, CA and the police quickly labeled it a drunken brawl. The fact that the youths were wearing klan regalia was merely a coincidence and that they were just coming from a party. Racist terrorism was played down.

3. [1986] Young black female was found hanged in Lafayette, CA. The law enforcement agency labeled it a suicide. She reportedly went about ten to fifteen miles away from home, taking her own rope and found her a small tree near a bank and committed the act of suicide.

4. [1986] Young black male in a park in Concord with three white females and an Asian male was set upon with weapons and viciously assaulted by five white males. The black youth was severely stabbed. The police labeled this crime a brawl between two gangs of young people. Racial slurs and race baiting was readily admitted. This was not considered a racial conflict.

5. [1986 -88] Young black couple in Pittsburg, CA were terrorized, assaulted, their children were intimidated and their home and property vandalized. The neighbors went as far as to attempt to discredit them through malicious prosecution and charges of abuse and neglect of custodial children. There were six white families banded together to destroy this family and the law enforcement agencies said that this case was a disagreement between the neighbors.

6. [1987] A black female in San Jose was assaulted and roughed up by a gang of white skinheads in broad daylight in a park. She was able to escape from them because of the assistance given by a Hispanic youth who came to her rescue.

7. [1987] A black family in Salinas, CA family pet was stabbed and hung by its neck on the porch. Law enforcement labeled this incident a case of malicious mischief.

8. [1987] A black family living in Hollister, CA returned home to find that it had been ransacked, vandalized and trashed by a gang of hate mongers. Many acts with a racial and religious significance had been committed and many articles of cherished value destroyed. Family heirlooms, photos and sacred symbols were trashed and burned. The police labeled this case one of malicious mischief.

9. [1988] A black female employed by a white firm in Concord, CA was intimidated, threatened [told that a hangman's noose was waiting for her], and referred to by racial names and insults was eventually fired because she complained of this vicious and unlawful treatment.

10. [1986] A black female working in law enforcement in Pleasanton, CA was a victim of insensitivity, extreme cruelty and intimidation when she was shown hate literature and paraphernalia by her supervisor and co-workers.

11. [1989] A black derelict in El Cerrito, CA was picked up driven to a deserted beach abused and assaulted by two white policemen. Even though this man was mentally incapable of representing himself was paid a small sum of money and escorted by city personnel to a car lot where he was aided in purchasing an automobile.

12. [1989] A black male working for a sand and gravel company in Alameda County was intimidated, oppressed and threatened when he was confronted by overtly racist symbols [hangman's noose displayed in vehicles and other company equipment in public view] and remarks by white workers. The company never made any effort to have these obvious racist things removed.

13. [1988] The Contra Costa County Sheriff department published and shared with other law enforcement agencies throughout the country a clearly racist training document where minority inmates were referred to as vicious animals who required harsh treatment in order to be controlled.

14. [1988-89]Three separate reports of racial confrontation between white skinheads and an individual black female in various locations in central Contra Costa County.

15. [1989]White hate group held a neo-nazi woodstock type musical fest in Napa County to recruit and indoctrinate white youths in racial violence and other racist philosophy. Due to public outcry and protest in opposition the event was poorly attended.

16. [Alameda County - 1989]A black derelict was painted to look like a clown, dressed in outlandish clothing and plied with alcohol. He was taken to a party in honor of a departing physician by staff members of a public hospital. He was to served as a humorist joke for the benefit of these racists.

17. [1989]A black family living in Pittsburg was set upon by a racist neighbor and his accomplices in order to terrorize them. They were threatened with physical abuse, racist signs were painted on their home and their lawn was torn up when driven on with a truck by this gang of thugs.

18. [1989]A black male youth in Vallejo, CA was shot and killed by a young white marine in full battle dress and armed like rambo. This young man admitted that he was out on a weekend haunt seeking some kind of confrontation with a black person or group. A variation of the subway incident in New York. He spent some time in Los Angeles before coming to Northern California.

19. [1989] black family living in San Leandro, CA awoke to find a klan cross burning on their lawn. They lived in a racially mixed community. There is another black family living across the street and has been in the community for many years. Law enforcement labeled this a drunken prank and not a racist act. A misdemeanor.

#### b. Hate Violence In The Schools

1. [1987]A black youth in Pinole, CA was beaten a white male adult while on his way home from school. His nose was broken and he had to get medical attention due to the injuries he suffered. Law enforcement termed this case assault and battery.

2. [1987]A black female youth riding a school bus in Concord, CA was called racist names and subjected to other insults by the white driver of the bus.



3. Black male youths in all of the school districts in Alameda, Contra Costa and San Francisco Counties are the victims of excessive discipline, suspension and expulsions. They are also the targets and focus of tracking, remediation and special alternative programs.

4. [1986-87-88] White youth group passed out literature and attempted to recruit other white youths to their cause and to create havoc in the schools by fostering hatred for minority students. Mt Diablo School District in Central County and Diablo Valley College in Pleasant Hill, CA.

5. [1988] A white teacher in Contra Costa County conducted a racist survey although he had been warned not to. He was told that the survey caused harm, and that it was insensitive and offensive to minority groups. He did it anyway.

6. [1989] Several white youths in San Leandro, CA brought some dolls to school that were dressed in klan regalia. These dolls were displayed and shown around the school knowing that this act was offensive and racist.

7. [1987] Black youths were randomly attacked and beaten by gangs of whites following a basketball game at a high school in the Mt. Diablo School District.

8. [1989] A black youth in a high school in the Mt. Diablo School District was confronted and stabbed by a white youth.

9. [1989] Excessive hate literature disseminated at San Francisco City College

### C. Analysis

The Task Force offer the following assessments about the trends and state of racial hatred and violence directed toward minority citizens and communities.

1. All of the factors that breed and give rise to incidents of racial intolerance, bigotry and racial violence are festering and becoming rampant in this State. [Stagnant and rapidly deteriorating economic condition in the work place, a large homeless and unemployed majority population and a search for a scapegoat to blame their condition on].

2. A failure on the part of leadership at every level to provide alternative and solutions to conditions that foster racism and scapegoating.

3. We continue to form and create commissions, task forces and study groups at all levels of government seemingly wishing to discuss the problem into oblivion.

4. We have formed human relation commissions in many counties and communities but most of them are ineffective due to a lack of funding, commitment on the part of politicians and a lack of participation by community groups and agencies.

5. Law enforcement agencies are still unable to cope with the problem of hate groups, individuals and the violence that they wrought. Much of this is due to a lack of training, commitment of resources and the terrible fact that many members of these groups harbor similar sentiments and philosophies.

6. There continue to exist a lack of commitment of resources to the task of eradicating the root causes of intolerance; poverty, unemployment and an ineffective educational program.

#### D. Conclusions

The Task Force offers the following conclusions as areas to focus in order to move toward a solution to this insidious problem:

##### 1. CAUSE

###### WHITE SUPREMACIST IDEOLOGY = OVERTHROW OF U. S..

Ruling class ideology is white supremacy. The racism that undergirds our society determines the racist cause. The economic and social turmoil that exists today ripens the climate of white supremacy by the ruling class.

##### 2. EFFECT

###### HATE GROUPS/CHRISTIAN IDENTITY CHURCH

The neo-nazi, skinheads and the street gangsters types that defame Jewish buildings, burn crosses commit gay-bashings and attack a few blacks are using these acts as diversionary tactics. These acts do not reveal the true cause and objectives of white supremacist ideology-----the overthrow of the U. S. Government. The criminals who commit these acts can and are easily caught. They are a smoke screen for the 3-piece suit wearing wealthy klan rulers.

### 3. SYMPATHISERS

#### FINANCIAL SUPPORTERS OF KLAN GROUPS

These are the background people who furnish the klan lawyers and provide other support such as recruiting, television spots, media coverage, travel expenses, money laundering operations and providing printed materials and literature. These groups also condone in San Francisco County attacks on black gays, paint hate graffiti and pass out hate literature. This supports the Task Force's theory that these hate groups have a broad base of support for the white supremacy ideology.

### 4. STATE OF CALIFORNIA

The state should and must have more visible input on the status and activity of California klans and hate groups. The state should provide more education, give more information and more instructions. The state Attorney General and law enforcement must increase input into the area of training and indoctrination concerning hate crimes, groups and tactics. Especially in areas mentioned above.

*Florida Galt*  
*Robert Galt*

# CONTRA COSTA COUNTY

## HATE VIOLENCE REDUCTION TASK FORCE

### IMPLEMENTATION PROPOSAL

OCTOBER, 1989

A project of the  
Contra Costa County Human Relations Commission  
and the Friends of Human Relations

A model county hate violence system would have, at a minimum,  
the following characteristics:

#### Prevention

1. Tailored educational curricula and programs designed to promote appreciation for differences among people reaching all students within the county;
2. School conflict resolution, and other programs, designed to defuse conflicts that have the potential to promote prejudice and bigotry operating within every school;
3. Community programs designed to promote understanding and prevent conflicts among the diverse population of the county;
4. Ongoing staff training for personnel in relevant private and public organizations.

#### Response

1. A sustained effort to encourage victims of bigotry to report incidents and a simple well publicized process for making reports;
2. Uniform reporting by public and private agencies designated to receive complaints of bigotry, and a protocol for funneling reports into a county repository for analysis;
3. A procedure for ensuring immediate victim support and protection;
4. A response plan that goes beyond apprehension of the perpetrators to include strategies to prevent recurrence;
5. Contingency plans to prevent the escalation of incidents into broader community conflict;
6. A monitoring and assessment process designed to identify precursors of hate violence and provide recommendations to prevent potential flare-ups.

Three committees (Criminal Justice, Education, Community) were charged with drafting appropriate models for preventing and responding to hate violence in Contra Costa County, and a steering committee, composed of representatives from each working committee, is responsible for molding the separate models into an integrated county system. The Committees are staffed by the Contra Costa County Human Relations Commission.

The design phase of the project is completed. It consists of:

- Policies, procedures and training for police response to hate crimes;
- Policies and procedures for the prosecution of hate crimes by the District Attorney.<sup>1</sup>
- Policies and guidelines for K-12 school responses to bias-related incidents;<sup>2</sup>
- Curriculum development to integrate appreciation of diverse peoples and violence prevention in appropriate subject areas;<sup>3</sup>
- Information sharing on school programs designed to prevent and respond to bias-related incidents;
- Training curriculum designed to enable neighborhood watch programs, religious institutions, and community organizations to provide assistance to victims of hate violence;
- an outreach plan to facilitate "living room" discussions among diverse people to break down stereotypes through open communication.

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<sup>1</sup>These procedures have been implemented and are operational.

<sup>2</sup> A bill introduced by Senator Torres of Los Angeles drafted in consultation with the Hate Violence Reduction Task Force to require all K-12 schools in California to have policies and guidelines similar to those adopted in Contra Costa County has passed the Legislature and is awaiting gubernatorial action.

<sup>3</sup> The Education Committee is working with curriculum directors from school districts in Contra Costa County to integrate appropriate curricula into frameworks for History-Social Science, English and Performing Arts.

- A conflict resolution project to train community leaders to assess, intervene in and resolve disputes that might lead to hate violence.<sup>4</sup>

This omnibus proposal is to support implementation of the plans developed by the Hate Violence Reduction Task Force. Support is being sought from multiple funding sources for a one year period.

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<sup>4</sup>The Contra Costa County Human Relations Commission has been awarded a portion of county court filing fees to serve as the central referral center for dispute resolution programs in the county and to train community leaders to assess community tensions, and to intervene in and resolve disputes that have the potential to lead to hate violence.

## GOALS AND OBJECTIVES

GOAL: TO IMPLEMENT PLANS FOR A MODEL COUNTY SYSTEM TO PREVENT AND RESPOND TO BIGOTRY.

### OBJECTIVES:

1. To provide training to law enforcement agencies to ensure that they will appropriately implement hate crime response policies and protocols by June 30, 1990.
2. To ensure that each school within the County utilizes curriculum designed to promote appreciation for diversity and to prevent bias-related conflict.<sup>5</sup>
2. To implement guidelines for responding to bias-related incidents in three selected K-12 school districts representing urban, suburban and rural areas in Contra Costa County by September, 1990.
3. To provide ongoing information to teachers and school administrators about programs that promote appreciation for diversity and help to prevent bias-related incidents in the school beginning September, 1990.
4. By September, 1990 to train 30 agencies consisting of neighborhood watch programs, religious institutions and relevant community agencies to:
  - a. maintain a network of staff and volunteers to provide emergency counseling and support to victims of bias-related incidents;
  - b. calm community tensions, resolve conflicts, and control rumors;<sup>6</sup>
  - c. respond to incidents of harassment and intimidation motivated by bigotry that are referred by law enforcement because they lack the necessary elements of a "crime".

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<sup>5</sup> This objective is being implemented by the Chair of the Education Committee of the Hate Violence Reduction Task Force in cooperation with curriculum directors of all school districts in Contra Costa County.

<sup>6</sup> The Contra Costa County Human Relations Commission has received a grant under Garamendi legislation to train community leaders in the assessment, intervention and resolution of bias-related conflict.

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5. By September, 1990 to involve a cross-section of 1,000 diverse people in Contra Costa County in "living room" dialogues where they can communicate openly about differences and negative stereotypes can be challenged in a non-confrontational manner.
  6. To draft and gain approval of memoranda of understanding delineating policies and protocols for cooperative working relationships among the local, state and federal public and private organizations that will participate in the countywide system for preventing and responding to hate violence by June 30, 1990.

Parents  
Proposal

Aurora  
Rodriguez

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## HUMAN RELATIONS MISSION STATEMENT

1. All students shall be able to function in the schools (and at school sponsored events) without being harassed or intimidated by fellow students, teachers or administrators. We want mechanisms (laws, rules, etc.) established so that when one is proven guilty of such conduct that they receive appropriate punishment.
2. Teachers and administrators shall be charged with the responsibility of treating all students with dignity and respect and not single out individuals or a group to treat differently. When a district employee is proven guilty of such regulations, laws shall be enforced to discipline this person.
3. Rules and/or regulations governing the discipline process shall include specific punishment for teachers and administrators who unfairly and unequally administer discipline, especially when it has been established that they were motivated because of a student's nationality or race.
4. Written guidelines shall be established and contained in a signed (by the Concord Police Chief and Superintendent of the MDUSD) letter of agreement outlining the criteria, parameters and involvement of the CPD with problems on our school campuses.
5. School principals shall be required to immediately notify and seek guidance from the District Superintendent's Office prior to any disciplinary action involving transfers, expulsions, suspensions, incidents of violence on the campuses and racial incidents and maintain statistical records thereof.
6. The district shall have minority staff representation at all levels, reflective of the community's ethnic composition.
7. Written laws and regulations shall include corrective action to be taken against any teacher or administrator who interferes with, hinders or harasses anyone who files a valid racial complaint. This corrective action is to be made part of the employee personnel file.
8. An ethnic studies program shall be implemented in the MDUSD *FOR ALL GRADE LEVELS*. The curriculum shall be reviewed and discussed with established local leaders or resource parents representing that particular ethnic group prior to implementation.
9. All District employees and others who perform services on district campuses shall complete mandatory training courses in HUMAN RELATIONS, RACIAL INTERACTION and CONFLICT MANAGEMENT. Failure to complete these courses shall result in a notation placed in the employees file and notification made to the State Board of Education and the California Teachers' Association.
10. The Black Families Association and the Mexican-American Political Association shall be routinely notified of all information concerning scholarships or when school site administrators became aware of them.
11. Bilingual services shall be provided to non-English speaking parents in all matters pertaining to the education of their children including the discipline process.
12. The composition of the district hearing panel shall reflect the entire representation of the community as well as different administrative levels.
13. These items shall be completed within the 1989-1990 school year.



## **MT. DIABLO UNIFIED SCHOOL DISTRICT**

### **HUMAN RELATIONS MISSION STATEMENT**

The mission of the Mt. Diablo School District is to help students succeed as learners and as productive citizens. Students must become knowledgeable about all the subjects we have deemed important. At the same time, they must know how to learn and how to acquire, evaluate and integrate information.

Students succeed best in an environment where there is mutual respect, caring and cooperation. We must all work to create an environment where:

- There is dignity and respect.
- There is freedom from bigotry.
- There is an appreciation for diversity, be it socio-economic, cultural, racial, or religious.
- High expectations are set for the staff, students, parents, and Board of Education.
- All employees are viewed as playing a valuable role in accomplishing the district's mission.
- Students, parents and community members feel welcome at school.
- Everyone — from the Board of Education to staff, students, parents and the community — takes pride in the schools and programs of the Mt. Diablo School District.